

# Proposed Rules

Federal Register

Vol. 81, No. 184

Thursday, September 22, 2016

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

### Animal and Plant Health Inspection Service

#### 9 CFR Part 11

[Docket No. APHIS–2011–0009]

RIN 0579–AE19

#### Horse Protection; Licensing of Designated Qualified Persons and Other Amendments

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule; extension of comment period and clarification.

**SUMMARY:** We are extending the comment period for our proposed rule to amend the horse protection regulations to provide that the Animal and Plant Health Inspection Service will train and license inspectors to inspect horses at horse shows, exhibitions, sales, and auctions for compliance with the Horse Protection Act. This action will allow interested persons additional time to prepare and submit comments. We are also making a clarification to the proposed regulations pertaining to specific prohibitions concerning exhibitors.

**DATES:** The comment period for the proposed rule published on July 26, 2016 (81 FR 49112) is extended. We will consider all comments that we receive on or before October 26, 2016.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/> #!docketDetail;D=APHIS-2011-0009.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2011–0009, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/>

#!/docketDetail;D=APHIS-2011-0009 or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Dr. Kay Carter-Corker, Director, National Policy Staff, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737; (301) 851–3751.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 26, 2016, we published in the *Federal Register* (81 FR 49112–49137, Docket No. APHIS–2011–0009) a proposal to revise the Horse Protection Act regulations in 9 CFR part 11 to improve our enforcement of the Act and regulations. The proposed rule provides that the Animal and Plant Health Inspection Service (APHIS) will train and license inspectors to inspect horses at horse shows, exhibitions, sales, and auctions for compliance with the Horse Protection Act. The proposed rule also proposes changes to the list of devices, equipment, substances, and practices that can cause soring or are otherwise prohibited under the Act and regulations, as well as other amendments pertaining to horse inspections and show management.

Comments on the proposed rule were required to be received on or before September 26, 2016. We are extending the comment period on Docket No. APHIS–2011–0009 for an additional 30 days. This action will allow interested persons more time to prepare and submit comments.

##### Clarification

As part of our proposed rule, we proposed to retitle § 11.2 as “Prohibited actions, practices, devices, and substances” and to prohibit all action devices, pads, and substances applied to a horse’s limbs. Also prohibited is any practice involving a horse, and, as a result of such practice, such horse suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving. These proposed changes were intended to successfully and significantly reduce

the number of sored horses shown, exhibited, sold, and auctioned. In our proposed changes to § 11.2, we included provisions in proposed paragraph (a)(3) of that section stating that the use of any weight on horses up to 2 years old, except a keg or similar conventional horseshoe is prohibited, as is the use of a horseshoe on horses up to 2 years old that weighs more than 16 ounces. In keeping with the intent of our other proposed changes, we are considering changing proposed paragraph (a)(3) to read “The use of any weight on horses, except a keg or similar conventional horseshoe, is prohibited.” We will consider all comments we received on this provision throughout the comment period so that those who have already commented know we will continue to consider their views.

**Authority:** 15 U.S.C. 1823–1825 and 1828; 7 CFR 2.22, 2.80, and 371.7.

Done in Washington, DC, this 16th day of September 2016.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2016–22855 Filed 9–21–16; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2016–9111; Directorate Identifier 2016–NM–132–AD]

RIN 2120–AA64

#### Airworthiness Directives; The Boeing Company Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 757 airplanes. This proposed AD was prompted by reports of single and multiple uncommanded spoiler panel extensions during flight when there was a hydraulic system failure. This proposed AD would require replacing certain spoiler power control units (PCUs) with new or changed PCUs. We are proposing this AD to prevent an

uncommanded extension of spoiler panels in the event of a hydraulic system failure, which could result in loss of control of the airplane.

**DATES:** We must receive comments on this proposed AD by November 7, 2016.

**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 <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:* 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: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9111.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9111; 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 (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Myra Kuck, Aerospace Engineer, Cabin Safety/Mechanical & Environmental Systems branch, ANM–150L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, California 90712–4137; phone: 562–627–5316; fax: 562–627–5210; email: [myra.j.kuck@faa.gov](mailto:myra.j.kuck@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2016–9111; Directorate Identifier 2016–NM–132–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 have received reports of single and multiple uncommanded spoiler panel extensions during flight. The condition known as “spoiler panel float” occurred when there was a hydraulic system pressure loss and the flaps were extended beyond 20 degrees.

A subsequent investigation determined that the spoiler PCUs’ blocking and thermal relief valve (BTRV) housings had reached a point of fatigue that made them likely to develop internal failures. One purpose of the spoiler PCU BTRV is to prevent the spoiler panel from extending during a loss of hydraulic pressure. An uncommanded extension of spoiler panels, in the event of a hydraulic system failure, could result in the loss of control of the airplane.

**Related Service Information Under 1 CFR Part 51**

We reviewed Boeing Alert Service Bulletin 757–27A0154, dated July 22, 2016. The service information describes procedures for replacing certain spoiler PCUs with new or changed PCUs. 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.

**FAA’s Determination**

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

**Proposed AD Requirements**

This proposed AD would require accomplishing the actions specified in the service information described previously. For information on the procedures and compliance times, see this service information at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2016–9111.

**Costs of Compliance**

We estimate that this proposed AD affects 573 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS				
Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of six PCUs .....	8 work-hours × \$85 per hour = \$680 .....	\$32,652	\$33,332	\$19,099,236

**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),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) 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.

## 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 (AD):

**The Boeing Company:** Docket No. FAA–2016–9111; Directorate Identifier 2016–NM–132–AD.

### (a) Comments Due Date

We must receive comments by November 7, 2016.

### (b) Affected ADs

None.

### (c) Applicability

This AD applies to The Boeing Company Model 757–200, –200PF, –200CB, and –300 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 757–27A0154, dated July 22, 2016.

### (d) Subject

Air Transport Association (ATA) of America Code 27; Flight controls.

### (e) Unsafe Condition

This AD was prompted by reports of single and multiple uncommanded spoiler panel extensions during flight when there was a hydraulic system failure. We are issuing this AD to prevent an uncommanded extension of spoiler panels in the event of a hydraulic system failure, which could result in loss of control of the airplane.

### (f) Compliance

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

### (g) Replacement

Within 51 months after the effective date of this AD: Replace each spoiler power control unit (PCU) with a new or changed PCU at spoiler positions 2, 3, and 4 on the left wing, and spoiler positions 9, 10, and 11 on the right wing, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0154, dated July 22, 2016.

### (h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), 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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (i)(1) of this AD. Information may be emailed to: 9-ANM-LAACO-AMOC-Requests@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district 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 Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, 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.

(4) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (h)(4)(i) and (h)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled “RC Exempt,” then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining

approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

### (i) Related Information

(1) For more information about this AD, contact Myra Kuck, Aerospace Engineer, Cabin Safety/Mechanical & Environmental Systems branch, ANM–150L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, California 90712–4137; phone: 562–627–5316; fax: 562–627–5210; email: myra.j.kuck@faa.gov.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on September 12, 2016.

**Michael Kaszycki,**

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

[FR Doc. 2016–22697 Filed 9–21–16; 8:45 am]

**BILLING CODE 4910–13–P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### 15 CFR Part 2004

[Docket Number USTR–2016–0016]

RIN 0350–AA10

### Production or Disclosure of Records, Information and Employee Testimony in Legal Proceedings

**AGENCY:** Office of the United States Trade Representative.

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

**SUMMARY:** The Office of the United States Trade Representative (USTR) is renaming and reorganizing part 2004 to include all of the rules governing disclosure of records and information by USTR. Part 2004 will include four subparts—subpart A will contain definitions used throughout part 2004, subpart B will implement the Freedom of Information Act, subpart C will implement the Privacy Act of 1974, and subpart D will govern how USTR responds to official demands and informal requests for records, information or employee testimony in connection with legal proceedings in which neither the United States nor USTR is a party. This proposed rule