

2009–10 crop year include \$26,450 for salaries and benefits, \$11,780 for operating expenses, and \$15,908 for contingencies. Budgeted expenses for these items in 2008–09 were \$26,248 for salaries and benefits, \$12,893 for operating expenses, and \$26,459 for contingencies.

The 2009–10 assessment rate was derived by considering the handler assessment revenue needed to meet anticipated expenses, the estimated salable tons of California dried prunes, excess funds carried forward into the 2009–10 crop year, and estimated interest income. Therefore, the Committee recommended an assessment rate of \$0.16 per ton of salable dried prunes.

Prior to arriving at its budget of \$54,138, the Committee considered information from various sources, including the Committee's Executive Subcommittee. The Executive Subcommittee reviewed the administrative expenses shared between the Committee and the CDPB in recent years. The Executive Subcommittee then recommended the \$54,138 budget and \$0.16 per ton assessment rate to the Committee. The Committee recommended the same budget and assessment rate to USDA.

Section 993.81(c) of the order provides the Committee the authority to use excess assessment funds from the 2008–09 crop year (estimated at \$28,533) for up to 5 months beyond the end of the crop year to meet 2009–10 crop year expenses, which are estimated to be \$54,138. At the end of the 5 months, the Committee either refunds or credits excess funds to handlers.

To calculate the percentage of grower revenue represented by the assessment rate for 2008, the assessment rate of \$0.30 per ton is divided by the estimated average grower price (according to the NASS). This results in estimated assessment revenue for the 2008–09 crop year as a percentage of grower revenue of .02 percent (\$0.30 divided by \$1,520 per ton). NASS data for 2009 is not yet available. However, applying the same calculations above using the average grower price for 2006–08 would result in estimated assessment revenue as a percentage of total grower revenue of .01 percent for the 2009–10 crop year (\$0.16 divided by \$1,453 per ton). Thus, the assessment revenue should be well below 1 percent of estimated grower revenue in 2009.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces

the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the California dried prune industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 25, 2009, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this interim final rule, including the regulatory and informational impacts of this action on small businesses.

This action imposes no additional reporting or recordkeeping requirements on either small or large California dried prune handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS 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.

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

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&page=MarketingOrdersSmallBusinessGuide>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2009–10 crop year begins on August 1, 2009, and the marketing order requires that the rate of assessment for each year apply to all assessable prunes handled during the year; (2) this action decreases the assessment rate for assessable prunes beginning with the 2009–10 crop year; (3) handlers are aware of this

action which was unanimously recommended at a public meeting and is similar to actions recommended by the Committee in past years, and (4) this interim final rule provides for a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

#### List of Subjects in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 993 is amended as follows:

#### PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 993 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Section 993.347 is revised to read as follows:

#### § 993.347 Assessment rate.

On and after August 1, 2009, an assessment rate of \$0.16 per ton of salable dried prunes is established for California dried prunes.

Dated: September 2, 2009.

**Rayne Pegg,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E9–21658 Filed 9–8–09; 8:45 am]

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#### SMALL BUSINESS ADMINISTRATION

##### 13 CFR Part 121

##### RIN 3245–AE92

#### Small Business Size Regulations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals; Correction

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Correcting amendments.

**SUMMARY:** The U.S. Small Business Administration (SBA) is correcting several of its Small Business Size Regulations, published in the **Federal Register** on May 21, 2004. SBA is correcting a reference to an incorrect North American Industry Classification System (NAICS) code, and updating two Internet Web addresses that appear in part 121 of the Code of Federal Regulations (CFR), chapter 13.

**DATES:** Effective September 9, 2009.

**FOR FURTHER INFORMATION CONTACT:** Carl J. Jordan, Program Analyst, Office of

Size Standards, (202) 205-6618 or [sizestandards@sba.gov](mailto:sizestandards@sba.gov).

**SUPPLEMENTARY INFORMATION:** SBA is correcting language and references in its Small Business Size Regulations contained in part 121 of the Code of Federal Regulations (CFR), chapter 13. These are administrative corrections only. Specifically, SBA is correcting 13 CFR 121.101, 121.410 and 121.1205.

**1. 13 CFR 121.101, "What are SBA size standards?"**

The text of 13 CFR § 121.101(b) provides the Internet Web address where the public can obtain the *North American Industry Classification System Manual—United States* from the National Technical Information Service (NTIS), part of the U.S. Department of Commerce. The Internet Web address provided in the text is <http://www.ntis.gov/yellowbk/1nty205.htm>. The NTIS has established a new address, specifically <http://www.ntis.gov/products/naics.aspx>. Although the existing Web address in § 121.101 will take a user to the updated site, SBA believes it should update its regulations as well to reflect the correct Internet Web address.

**2. 13 CFR 121.410, "What are the size standards for SBA's Section 8(d) Subcontracting Program?"**

SBA published in the May 15, 2000, *Federal Register* (65 FR 30836-30863) a new table of small business size standards effective October 1, 2000 for industries as defined under NAICS. Until October 1, 2000, the Standard Industrial Classification (SIC) System was the basis for SBA's table of small business size standards. The May 15, 2000 final rule amended 13 CFR 121.410 by replacing "SIC code 8711" with "NAICS code 541330."

However, an error was made when SBA issued a proposed rule on November 22, 2002, (67 FR 70339-70352) to amend its small business size regulations and the regulations that apply to appeals of size determinations. That rule proposed amending 13 CFR 121.410, which relates to size standards under SBA's Section 8(d) Subcontracting Program. The proposed amendment correctly preserved the language of the May 15, 2000 final rule that described Engineering Services. However, the proposed rule wrongly referenced NAICS code 541213, which is the code for Tax Preparation Services. The proposed rule should have referenced NAICS code 541330, because it is the correct code for Engineering Services, described in 13 CFR 121.410. The corresponding final rule that SBA

published on May 21, 2004 (69 FR 29192-29209) did not correct this error, thereby leaving NAICS code 541213 to refer incorrectly to Engineering Services.

The text of 13 CFR 121.410 plainly refers to subcontracting activities that are included within NAICS code 541330, Engineering Services. Furthermore, NAICS code 541330 in SBA's "Small Business Size Standards by NAICS Industry" (13 CFR 121.201) clearly includes the same types of contracting activities described in 13 CFR 121.410. The purpose of this correction is to replace NAICS code 541213 in § 121.410 with NAICS code 541330.

**3. 13 CFR 121.1205, "How is a list of previously granted class waivers obtained?"**

The text of 13 CFR 121.1205 provides the Internet Web address where SBA maintains for the public a list of waivers of the Nonmanufacturer Rule that it has granted. SBA has updated that Internet Web address, and this action will similarly update § 121.1205.

**List of Subjects in 13 CFR Part 121**

Administrative practice and procedure, Government procurement, Government property, Grant programs—business, Individuals with disabilities, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

■ For the reasons set forth in the preamble, SBA amends part 13 CFR part 121 by making the following correcting amendments.

**PART 121—SMALL BUSINESS SIZE REGULATIONS**

■ 1. The authority citation for part 121 continues to read as follows:

**Authority:** 15 U.S.C. 632, 634(b)(6), 636(b), 637(a), 644, and 662(5); and Pub. L. 105-135, sec. 401 *et seq.*, 111 Stat. 2592.

■ 2. Amend § 121.101 by revising the first sentence of paragraph (b) to read as follows:

**§ 121.101 What are SBA size standards?**

\* \* \* \* \*

(b) NAICS is described in the North American Industry Classification Manual—United States, which is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161; by calling 1(800) 553-6847 or 1(703) 605-6000; or via the Internet at <http://www.ntis.gov/products/naics.aspx>. \* \* \*

■ 3. Amend § 121.410 by revising the second sentence to read as follows:

**§ 121.410 What are the size standards for SBA's Section 8(d) Subcontracting Program?**

\* \* \* However, subcontracts for engineering services awarded under the National Energy Policy Act of 1992 have the same size standard as Military and Aerospace Equipment and Military Weapons under NAICS code 541330.

■ 4. Amend § 121.1205 by revising the first sentence to read as follows:

**§ 121.1205 How is a list of previously granted class waivers obtained?**

A list of classes of products for which waivers for the Nonmanufacturer Rule have been granted is maintained in SBA Web site at: [http://www.sba.gov/aboutsba/sbaprograms/gc/programs/gc\\_waivers\\_nonmanufacturer.html](http://www.sba.gov/aboutsba/sbaprograms/gc/programs/gc_waivers_nonmanufacturer.html). \* \* \*

Dean R. Koppel,

Acting Director, Office of Government Contracting.

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2009-0264; Directorate Identifier 2008-NM-174-AD; Amendment 39-16017; AD 2009-18-20]

RIN 2120-AA64

**Airworthiness Directives; Airbus Model A330-300, A340-200, and A340-300 Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This 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:

One Long Range operator experienced a failure of one spoiler servo-control, associated with surface deflection in flight and hydraulic leak. On ground, this servo-control Part Number (P/N) MZ4306000-02X was found with the maintenance cover broken. Investigations showed that the rupture of the maintenance cover was due to pressure pulse fatigue.

\* \* \* The rupture of the maintenance cover in flight may result in the deflection of the associated spoiler surface up to the null-hinge position (loss of the hydraulic locking).