

alternate method would be exactly the same as the method currently used by USDA.

But assuming a situation in which there are substantial small cigar marketings in the actual "small cigar" tax category, changing the Step B method would substantially change assessment levels. Even applied to assessment data from the first quarter of 2010, it appears that the alternative method of using cigar subcategories would have increased the large cigar unit assessment as much as 12 times. That difference might actually have been greater before then because in 2010, the shift in market volume from small to large cigars had already begun.

We request comments on all aspects of the Step B assessment. Commenters can address whether they believe the Court's decision absolutely requires a change or merely requires a change if agency reconsideration of the current method of Step B division suggests that a change is appropriate. Comments in support of a change should suggest where USDA would obtain the data to implement the alternative and how that information would be verified.

Comments should address the question of whether a change would be retroactive for all, or prospective only, for those other than the company in connection with the current litigation. Commenters may want to indicate whether "small cigars" are standard in size or provide other marketing information that may be germane to the consideration of this issue.

Commenters may want to address whether cigarettes should be impacted by any potential resulting changes. Because the statutory provisions at issue are also used for the assessment of cigarettes, particularly with respect to the use of units, cigarette manufacturers and importers may wish to comment on whether the cigarette Step B method currently in use should be changed or remain the same. For example, if our assumption that all cigarettes weigh the same is inaccurate, a change to the Step B calculation to take weight into account could impact cigarette manufacturers or importers.

#### Conclusion and Guidance for Comments

CCC is requesting comments from the public on the method used to calculate TTPP assessments for cigar manufacturers and importers, and any related issues. Any change would be reflected in the regulations in 7 CFR part 1463. Specific comments addressing the issues raised above are preferred, but all comments are welcome. Proposals for alternatives

should address data sources and costs and the provisions of FETRA that support the alternative. This notice does not change the regulations; any change would be published in a subsequent rulemaking document. Because FETRA exempts TTPP from notice and comment rulemaking, any future action would likely be a final rule.

The following suggestions may be helpful for preparing your comments:

- Explain your views as clearly as possible.
- Describe any assumptions that you used.
- Provide any technical information and data on which you based your views.
- Provide specific examples to illustrate your points.
- Offer specific alternatives to the current regulations or policies and indicate the source of necessary data, the estimated cost of obtaining the data, and how the data can be verified.
- Submit your comments to be received by FSA by the comment period deadline.

#### Executive Order 12866

The Office of Management and Budget (OMB) designated this notice as not significant under Executive Order 12866, "Regulatory Planning and Review," and therefore has not reviewed this notice.

Signed in Washington, DC, on March 15, 2011.

**Val Dolcini,**

*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 2011-6668 Filed 3-21-11; 8:45 am]

**BILLING CODE 3410-05-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2011-0254; Directorate Identifier 2010-NM-180-AD]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER Series 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. For certain airplanes, this proposed AD would

require a one-time inspection for damage of the hydraulic actuator rod ends and actuator attach fittings on the thrust reversers, and repair or replacement if necessary. For all airplanes, this proposed AD also would require repetitive inspections for damage of the hydraulic actuator rod ends, attach bolts, and nuts; repetitive inspections for damage of fitting assemblies, wear spacers, and actuator attach fittings on the thrust reverser; repetitive measurements of the wear spacer; and corrective actions if necessary. This proposed AD was prompted by in-service damage of the attachment fittings for the thrust reverser actuator. We are proposing this AD to detect and correct such damage, which could result in actuator attach fitting failure, loss of the thrust reverser auto restow function, and consequent loss of control of the airplane.

**DATES:** We must receive comments on this proposed AD by May 6, 2011.

**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:* 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 proposed AD, contact Boeing Commercial Airplanes, *Attention:* Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; *phone:* 206-544-5000, extension 1; *fax:* 206-766-5680; *e-mail:* [me.boecom@boeing.com](mailto:me.boecom@boeing.com); *Internet:* <https://www.myboeingfleet.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 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:** Chris R. Parker, Aerospace Engineer, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; phone: 425-917-6496; fax: 425-917-6590; e-mail: Chris.R.Parker@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-2011-0254; Directorate Identifier 2010-NM-180-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 a report indicating that the attachment fittings for the thrust reverser actuator have shown in-service wear damage. While in the stowed position, the actuator is locked and is in tension. The tensile load applied by the locking screw causes the hydraulic actuator rod end to rotate. As the hydraulic actuator rod end rotates, wear occurs to the bushings in the actuator attach fitting. The bushings continue to wear until there is contact directly between the hydraulic actuator rod end and the attach fitting. This condition, if not detected and corrected, could result in actuator attach fitting failure and loss of the thrust reverser auto restow

function. Loss of the thrust reverser auto restow function removes one of the three primary levels of protection against an uncommanded thrust reverser deployment. An uncommanded thrust reverser deployment could result in loss of airplane control.

**Relevant Service Information**

We reviewed Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010. For Group 1 airplanes, this service bulletin specifies a one-time detailed inspection to detect damage (i.e., wear, cracks, nicks, dents, and scratches) of the hydraulic actuator rod ends and the actuator attach fittings on the right and left thrust reversers.

For airplanes on which damage is found on a hydraulic actuator rod end, this service bulletin specifies replacing of the hydraulic actuator rod end assembly with a new hydraulic actuator rod end assembly.

For airplanes on which no damage is found on an actuator attach fitting, this service bulletin specifies installing of a new spacer. For damage found on an actuator attach fitting that is within stated repair limits, this service bulletin specifies repairing the actuator attach fitting and installing a new spacer. For damage that exceeds the repair limits of the actuator attach fitting, this service bulletin specifies replacing the actuator attach fitting with a new actuator fitting.

For both Group 1 and Group 2 airplanes, this service bulletin describes procedures for repetitive inspections for damage (as specified in each inspection that follows), repetitive measurements, and corrective actions if necessary. The inspections and measurement include the following:

- A general visual inspection for cracks, nicks, dents, and scratches of the fitting assembly
- A detailed inspection for tears, holes, and disbands of the wear spacer
- A measurement of the thickness of the wear spacer
- A detailed inspection for surface damage of the attach fitting
- A general visual inspection for damage (i.e. missing, cracked, or bent parts) of the rod end, attach bolt, and nut

The corrective actions include replacing spacers with new spacers, repairing attach fittings, replacing attach fittings with new attach fittings, replacing the rod end, attach bolt, and nuts with a new actuator rod end assembly.

**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, except as discussed under "Differences Between the Proposed AD and the Service Information."

**Differences Between the Proposed AD and the Service Information**

Appendix A of Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010, specifies a general visual inspection for cracks, nicks, dents, and scratches of the fitting assembly. We have determined that this inspection is accomplished during the detailed inspections specified in Appendix A of Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010.

Appendix A of Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010, specifies to replace missing, cracked, and bent rod ends, attach bolts, and nuts, but does not specify replacement parts and how to replace the affected part. This proposed AD would require replacing missing, cracked, and bent rod ends, attach bolts, and nuts with new parts in accordance with a method approved by the FAA.

**Costs of Compliance**

We estimate that this proposed AD will affect 1,070 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
One-time detailed inspection and installation (Group 1: 850 airplanes).	28 work-hours × \$85 per hour = \$2,380.	\$68	\$2,448 .....	\$2,080,800.
General visual and detailed inspections (Group 1 and 2 airplanes).	23 work-hours × \$85 per hour = \$1,955 per inspection cycle.	0	\$1,955 per inspection cycle.	\$2,091,850 per inspection cycle.

We estimate the following costs to do any necessary repairs or replacements that would be required based on the results of the proposed inspection.

These on-condition costs are based on all the thrust reverser attachment fittings needing repair or replacement. We have no way of determining the

number of aircraft that might need these repairs or replacements.

**ON-CONDITION COSTS**

Action	Labor cost	Parts cost	Cost per product
Attach fitting replacement .....	75 work-hours × \$85 per hour = \$6,375.	\$10,850	\$17,225

According to the manufacturer, some of the costs of this proposed 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 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–2011–0254; Directorate Identifier 2010–NM–180–AD.

**Comments Due Date**

(a) We must receive comments by May 6, 2011.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 737–78–1083, dated June 30, 2010.

**Subject**

(d) Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 78, Exhaust.

**Unsafe Condition**

(e) This AD was prompted by in-service damage of the attachment fittings for the thrust reverser actuator. We are issuing this AD to detect and correct such damage, which could result in actuator attach fitting failure, loss of the thrust reverser auto restow function, and consequent loss of control of the airplane.

**Compliance**

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

**Inspection and Repair: Group 1 Airplanes**

(g) For Group 1 airplanes, as identified in Boeing Special Attention Service Bulletin 737–78–1083, dated June 30, 2010: At the compliance time specified in paragraph (g)(1) or (g)(2) of this AD, whichever is later, perform a one-time detailed inspection to detect wear, cracks, nicks, dents, and scratches of the hydraulic actuator rod ends and actuator attach fittings on the thrust reversers, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–78–1083, dated June 30, 2010.

(1) Within 7,500 flight hours after the effective date of this AD.

(2) Before the accumulation of 15,000 total flight cycles or 30,000 total flight hours, whichever occurs first.

(h) If any wear, crack, nick, dent, or scratch of any hydraulic actuator rod end is found during the inspection required by paragraph (g) of this AD: Before further flight, replace the affected hydraulic actuator rod end assembly with a new hydraulic actuator rod end assembly, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–78–1083, dated June 30, 2010.

(i) If no wear, cracks, nicks, dents, and scratches of any actuator attach fittings are found during the inspection required by paragraph (g) of this AD: Before further flight, install new wear spacers on the affected actuator attach fitting, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–78–1083, dated June 30, 2010.

(j) If any wear, crack, nick, dent, or scratch of any actuator attach fitting is found during the inspection required by paragraph (g) of this AD, and is less than 0.005 inch in depth: Before further flight, repair the affected actuator attach fitting and install the new wear spacer, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–78–1083, dated June 30, 2010.

(k) If any wear, crack, nick, dent, or scratch of any actuator attach fitting is found during the inspection required by paragraph (g) of this AD, and is 0.005 inch or greater in depth: Before further flight, replace the actuator attach fitting with a new actuator attach fitting, in accordance with the Accomplishment Instructions of Boeing

Special Attention Service Bulletin 737-78-1083, dated June 30, 2010.

#### Repetitive Inspections and Corrective Actions

(l) For Group 1 airplanes, as identified in Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010: Within 7,500 flight hours after accomplishing the requirements of paragraph (g) of this AD, do the actions specified in paragraphs (l)(1), (l)(2), (l)(3), and (l)(4) of this AD. Repeat the actions thereafter at intervals not to exceed 7,500 flight hours.

(1) Do a detailed inspection for tears, holes, and disbonds of the wear spacer, in accordance with Appendix A of Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010. If any tear, hole, or disbond is found, before further flight, replace the spacer with a new spacer, in accordance with Appendix A of Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010.

(2) Measure the thickness of the wear spacer in accordance with Appendix A of Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010. If the thickness is less than 0.020 inch, before further flight, replace the spacer with a new spacer, in accordance with Appendix A of Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010.

(3) Do a detailed inspection for surface damage of the attach fitting, in accordance with Appendix A of Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010.

(i) If the surface damage is less than 0.005 inch depth, before further flight, repair the attach fitting, in accordance with Appendix A of Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010.

(ii) If the surface damage is 0.005 inch or greater in depth, before further flight, replace the attach fitting with a new attach fitting, in accordance with Appendix B of Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010.

(4) Do a general visual inspection for damage (i.e. wear, missing, cracked, or bent parts) of the rod end, attach bolt, and nut, in accordance with Appendix A of Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010. If any damage is found, before further flight, replace the affected part with a new part in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA.

#### Group 2 Inspection and Repair

(m) For Group 2 airplanes, as identified in Boeing Special Attention Service Bulletin 737-78-1083, dated June 30, 2010: Within 12 months after the effective date of this AD, perform the actions required in paragraph (l) of this AD. Repeat the actions thereafter at intervals not to exceed 7,500 flight hours.

#### Alternative Methods of Compliance (AMOCs)

(n)(1) The Manager, Seattle Aircraft Certification Office, 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 the Related Information section of this AD. Information may be e-mailed 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 local flight standards district office/certificate holding district office.

#### Related Information

(o) For more information about this AD, contact Chris R. Parker, Aerospace Engineer, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; phone: 425-917-6496; fax: 425-917-6590; e-mail: [Chris.R.Parker@faa.gov](mailto:Chris.R.Parker@faa.gov).

(p) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; phone: 206-544-5000, extension 1; fax: 206-766-5680; e-mail: [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet: <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, the FAA, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on March 14, 2011.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011-6613 Filed 3-21-11; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2011-0224; Directorate Identifier 2010-NM-210-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A330-200 and -300 Series 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 that would supersede an existing AD. 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 airworthiness limitations applicable to Damage Tolerant Airworthiness Limitation Items (DT ALI) are currently given in Airbus A330 ALI Document reference AI/SE-M4/95A.0089/97, which is approved by the European Aviation Safety Agency (EASA) and referenced in Airbus Airworthiness Limitations Section (ALS) Part 2.

The issue 17 of Airbus A330 ALI Document introduces more restrictive maintenance requirements/airworthiness limitations. Failure to comply with this issue constitutes an unsafe condition.

This [EASA] AD supersedes EASA AD 2009-0102 [and retains the requirements therein], and requires the implementation of the new or more restrictive maintenance requirements/airworthiness limitations as specified in Airbus A330 ALI Document issue 17.

The unsafe condition is fatigue cracking, damage, and corrosion in certain structure, which could result in reduced structural integrity 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 May 6, 2011.

**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 Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80, e-mail [airworthiness.A330-A340@airbus.com](mailto:airworthiness.A330-A340@airbus.com); Internet <http://www.airbus.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://>