

# Proposed Rules

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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

#### 7 CFR Part 340

[Docket No. APHIS–2015–0057]

RIN 0579–AE15

#### Importation, Interstate Movement, and Environmental Release of Certain Genetically Engineered Organisms

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** We are withdrawing a proposed rule that would have revised our regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms. We are taking this action after considering the comments we received following the publication of the proposed rule.

**DATES:** We are withdrawing the proposed rule published January 19, 2017 (82 FR 7008) as of November 7, 2017.

**FOR FURTHER INFORMATION CONTACT:** Mr. Sidney Abel, Assistant Deputy Administrator, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1238; (301) 851–3896.

**SUPPLEMENTARY INFORMATION:** On January 19, 2017, we published in the *Federal Register* (82 FR 7008–7039, Docket No. APHIS–2015–0057) a proposal<sup>1</sup> to amend the regulations in 7 CFR part 340 regarding the importation, interstate movement, and environmental release of certain genetically engineered (GE) organisms.

We solicited comments concerning our proposal for 120 days ending May 19, 2017. We extended the deadline for comments until June 19, 2017, in a

document published in the *Federal Register* on February 10, 2017 (Docket No. APHIS–2015–0057, 82 FR 10312–10313). We received 203 comments by that date. They were from GE developers, growers of GE crops, GE industry and agricultural trade associations, universities and academic researchers, organic producers and trade associations, consumer safety and environmental advocacy groups, a Federal agency, and private citizens.

Many commenters objected to the scope of the proposed rule. Some thought that our criteria for designating GE organisms as regulated organisms were too expansive, potentially resulting in our regulating a wider range of GE organisms than necessary and thereby increasing, rather than reducing, the regulatory burden for the biotechnology industry. Other commenters, however, thought that certain exemptions and exclusions contained in the proposed rule would effectively narrow the scope of our regulatory authority over GE organisms and increase the risk of the unintended presence of GE crops in organic and other non-GE crops.

The January 2017 proposed rule represented a major change from our existing “regulate first/analyze later” approach to one that entailed assessing new GE organisms to determine if they posed plant pest or noxious weed risks and then regulating only organisms that did present risks. Some commenters expressed concern that the proposed risk assessment process could prove lengthy, cumbersome, and confusing, thereby hindering innovation and preventing GE products from getting to market in a timely manner. Though we did provide exclusions that would have allowed GE organisms with certain plant/trait combinations to bypass the risk assessment process, these commenters viewed the exclusions as too narrow. Other commenters, however, took the opposite view. These commenters objected to our proposed exemption from the risk assessment process of products having plant/trait combinations corresponding to specific organisms that had been granted nonregulated status based on previous risk assessments. A number of these commenters also thought the proposed process as a whole would be insufficiently rigorous, with some objecting specifically to our proposal to

no longer require the submission of field test data as part of the assessment process.

Another issue that drew many comments was our proposal to incorporate our noxious weed authority into the biotechnology regulations in part 340. Noting that noxious weeds are also regulated under the Plant Protection and Quarantine regulations in 7 CFR part 360, commenters expressed concern that this proposal could result in the creation of two parallel but inconsistent regulatory systems and thus more regulatory uncertainty.

Finally, many commenters expressed opposition to genetic engineering in general, as well as concerns about a wide range of issues, many of which were outside the scope of the proposed rule. For example, commenters stated that the Animal and Plant Health Inspection Service (APHIS) should consider non-safety-based risks, such as economic and social impacts, including impacts on the marketability of non-GE products. Other commenters requested that APHIS regulations include provisions related to the labeling of GE products and raised concerns regarding health effects of GE products and increased pesticide use.

Based on the scope of comments received on the January 2017 proposed rule, we have decided to withdraw the rule and to begin a fresh stakeholder engagement aimed at exploring alternative policy approaches. Because of rules limiting *ex parte* communications with respect to active rulemakings, publication of the 2017 proposed rule has constrained our ability to talk about alternatives with stakeholders. Withdrawing the proposed rule will lift this constraint and provide for a more open and robust policy dialogue.

Therefore, we are withdrawing the January 19, 2017, proposed rule referenced above. As we explore a full range of policy alternatives, we will consider the comments we received on the proposed rule, as well as new scientific knowledge, and continue to seek the active and open input of stakeholders.

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

<sup>1</sup> To view the proposed rule, supporting documents, and the comments we received, go to <http://www.regulations.gov/#/docketDetail;D=APHIS-2015-0057>.

Done in Washington, DC, this 1st day of November 2017.

**Michael C. Gregoire,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2017-24202 Filed 11-6-17; 8:45 am]

**BILLING CODE 3410-34-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2017-1059; Product Identifier 2017-CE-035-AD]

RIN 2120-AA64

**Airworthiness Directives; Piper Aircraft, Inc. 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 Piper Aircraft, Inc. Models PA-28-140, PA-28-150, PA-28-160, PA-28-180, PA-28-235, PA-32-260, and PA-32-300 airplanes. This proposed AD was prompted by reports of corrosion found in an area of the main wing spar not easily accessible for inspection. This proposed AD would require installing an inspection access panel in the lower wing skin near the left and the right main wing spars if not already there, inspecting the left and the right main wing spars for corrosion, and taking all necessary corrective actions. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by December 22, 2017.

**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 Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (772) 567-4361; Internet: [www.piper.com](http://www.piper.com). You may review this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

**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-2017-1059 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 NPRM, 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:** Dan McCully, Aerospace Engineer, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474-5548; fax: (404) 474-5606; email: [william.mccully@faa.gov](mailto:william.mccully@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-2017-1059; Product Identifier 2017-CE-035-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM 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 NPRM.

**Discussion**

We received two reports of significant corrosion found on the main wing spars on certain Piper Aircraft, Inc. Models PA-28-140, PA-28-150, PA-28-160, PA-28-180, PA-28-235, PA-32-260, and PA-32-300 airplanes. The corrosion was found during maintenance in an area that is not easily accessible for inspection. This condition, if not detected and corrected, could cause the main wing spar to fail. This failure could result in loss of control.

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

We reviewed Piper Aircraft, Inc. Service Bulletin No. 1304, dated August 23, 2017. The service bulletin describes procedures for installing an inspection access panel in the lower wing skin near the left and the right main wing spars, if not already there, inspect for corrosion, and, if corrosion is found, taking all necessary corrective actions. 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.

**Costs of Compliance**

We estimate that this proposed AD affects 11,476 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
Main wing spar inspection .....	2 work-hours × \$85 per hour = \$170 to inspect both wings.	Not Applicable .....	\$170	\$1,950,920