

the payment of compensation to eligible owners of commercial stone fruit orchards, including direct marketers, and fruit tree nurseries. In an interim rule¹ effective and published in the **Federal Register** on February 3, 2012 (77 FR 5381–5385, Docket No. APHIS–2011–0004), we amended the plum pox regulations to provide for the payment of compensation to eligible owners of non-fruit-bearing ornamental tree nurseries and to increase the amount of compensation that may be paid to eligible owners of commercial stone fruit orchards and fruit tree nurseries whose trees are required to be destroyed in order to prevent the spread of plum pox. We also provided updated instructions for the submission of claims for compensation.

Comments on the interim rule were required to be received on or before April 3, 2012. We received three comments by that date. The comments were from a State agricultural agency, a fruit grower, and an organization of State plant regulatory agencies. Two commenters fully supported the action, with one of these commenters encouraging the expanded use of compensation for producers who sustain losses due to quarantine plant pests and regulatory actions associated with these pests.

The third commenter said that the interim rule makes reference to “commercial stone fruit orchards and fruit tree nurseries” without defining fruit tree nursery. The commenter also expressed concern that his fruit tree nursery does not qualify for compensation.

In § 301.74–5, paragraph (a)(2) describes the eligibility criteria for compensation for owners of fruit tree nurseries. Those eligibility criteria and the considerations in paragraph (b) that determine payment amounts specify that the plants affected by an emergency action notification are plants that have been produced for commercial sale, which is not the case in the situation described by the commenter.

Therefore, for the reasons given in the interim rule and in this document, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, this action has been determined to be not significant for the

purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 77 FR 5381–5385 on February 3, 2012.

Done in Washington, DC, this 17th day of September 2012.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2012–23356 Filed 9–20–12; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2009–0100]

RIN 0579–AD35

Irradiation Treatment; Location of Facilities in the Southern United States; Technical Amendment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: In a final rule that was published in the **Federal Register** on July 20, 2012, and effective on August 20, 2012, we amended the phytosanitary treatment regulations to, among other things, allow for irradiation treatment of mangoes from India upon arrival in the mainland United States rather than just at the point of origin. In the final rule, we neglected to amend the inspection requirements to address shipments that are treated upon arrival in the United States and not at the point of origin. This document corrects that error.

DATES: *Effective Date:* September 21, 2012.

FOR FURTHER INFORMATION CONTACT: Dr. Inder P. S. Gadh, Senior Risk Manager—Treatments, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2018.

SUPPLEMENTARY INFORMATION: The phytosanitary treatment regulations

contained in 7 CFR part 305 (referred to below as the regulations) set out the general requirements for performing treatments and certifying or approving treatment facilities for fruits, vegetables, and other articles to prevent the introduction or dissemination of plant pests or noxious weeds into or through the United States. The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture administers these regulations.

In a final rule¹ published in the **Federal Register** on July 20, 2012 (77 FR 4261–4265, Docket No. APHIS–2009–0100), with an effective date of August 20, 2012, we amended the regulations in § 319.56–46 to allow for irradiation treatment of mangoes from India upon arrival in the mainland United States rather than just at the point of origin.

Paragraph (c) of § 319.56–46 indicates that each consignment of mangoes must be inspected jointly by APHIS and the national plant protection organization (NPPO) of India as part of the required preclearance inspection activities.

Paragraph (e) of § 319.56–46 also indicates that joint inspection by APHIS and the NPPO of India is required.

While joint inspection and preclearance are practical when irradiation treatment is applied in the country of origin, it is more useful and cost effective for the NPPO of India to inspect the fruit in India and for APHIS to inspect the fruit upon arrival in the United States when irradiation treatment is applied in the United States. This also ensures compliance with the standard² of the International Plant Protection Convention, of which the United States is a contracting party, of applying the least restrictive measures resulting in the minimal impact to trade while effectively managing plant pest risks. We are therefore removing the words “jointly” and “preclearance” from § 319.56–46(c) and the word “jointly” from § 319.56–46(e) to allow inspections to occur separately in India and the United States when appropriate.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

¹ To view the final rule and related documents, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2009-0100>.

² International Standard for Phytosanitary Measures (ISPM) Number 1. To view this and other ISPMs on the Internet, go to <http://www.ippc.int/IPP/En/default.jsp> and click on the “Adopted Standards” link under the “Core Activities” heading.

¹ To view the interim rule and the comments we received, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0004>.

Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

- 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

§ 319.56–46 [Amended]

- 2. Section § 319.56–46 is amended as follows:

- a. In paragraph (c), by removing the words “jointly” and “preclearance”.
■ b. In paragraph (e), by removing the word “jointly”.

Done in Washington, DC, this 17th day of September 2012.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2012–23346 Filed 9–20–12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1017; Directorate Identifier 2012–NE–30–AD; Amendment 39–17203; AD 2012–19–08]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for General Electric Company GENx-1B54, GENx-1B58, GENx-1B64, GENx-1B67, GENx-1B70, GENx-1B54/P1, GENx-1B58/P1, GENx-1B64/P1, GENx-1B67/P1, GENx-1B70/P1, GENx-1B70/72/P1, GENx-1B70/75/P1, GENx-1B74/75/P1, GENx-1B75/P1, GENx-2B67, and GENx-2B67B turbofan engines. This AD requires initial and repetitive ultrasonic inspections (UI) of certain part number (P/N) fan mid shafts (FMS) for cracks. This AD was prompted by a report of an FMS failure and a report of a crack found in another FMS. We are issuing this AD to prevent failure of the FMS resulting in one or more engine failure(s) and possible loss of the airplane.

DATES: This AD is effective September 21, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of September 21, 2012.

We must receive comments on this AD by October 22, 2012.

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:* 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.

For service information identified in this AD, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: (513) 552–3272; email: geae.aoc@ge.com. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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 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: James Gray, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7742; fax: 781–238–7199; email: james.e.gray@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

On July 28, 2012, we received a report of a GENx-1B engine failure installed on a Boeing 787 (B787) airplane. Boeing was conducting routine ground testing of the B787, before aircraft delivery. During a taxi test, one engine’s FMS

fractured just aft of the coupling nut. The low-pressure turbine (LPT) rotor shifted axially backwards, resulting in LPT blade and vane clashing. The LPT case contained the failure and debris was released out the tailpipe. There was no engine overspeed as the LPT rotor remained coupled to the fan rotor at the FMS spline. On August 14, 2012, we received a second report concerning the GENx engine, this time about an FMS, installed in a GENx-1B engine, that was found cracked during an on-wing UI. This condition, if not corrected, could result in failure of the FMS resulting in one or more engine failure(s) and possible loss of the airplane.

Relevant Service Information

We reviewed GE Service Bulletin (SB) No. GENx-1B S/B 72–0107, Revision 2, dated September 14, 2012, and SB No. GENx-2B S/B 72–0091, Revision 1, dated September 14, 2012. The SBs describe procedures for performing UI inspections of FMS P/N 2331M20G02, P/N 2332M81G01, and P/N 2332M33G01.

FAA’s Determination

We are issuing 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.

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously, except as discussed under “Differences Between the AD and the Service Information.”

Differences Between the AD and the Service Information

The SBs require an initial FMS inspection within 30 days of the SB date. This AD requires an initial FMS inspection before further flight.

Interim Action

We consider this AD interim action. Root cause is still under investigation, but the failure of the FMS is likely due to environmentally assisted cracking; a type of corrosive cracking that is time-dependent.

FAA’s Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule based on the reported engine failure, the crack find, and that the root