

requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

■ 1. The authority citation for part 78 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

§ 78.41 [Amended]

■ 2. Section 78.41 is amended as follows:

■ a. In paragraph (a), by adding “Missouri,” in alphabetical order.

■ b. In paragraph (b), by removing the word “Missouri.”

Done in Washington, DC, this 26th day of February 2004.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 04–4599 Filed 3–1–04; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 00–112–2]

Cattle From Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the animal importation regulations to prohibit the importation of Holstein cross steers and Holstein cross spayed heifers from Mexico. The regulations have prohibited the importation of Holstein steers and Holstein spayed heifers from Mexico due to the high incidence of bovine tuberculosis in that breed, but have not placed any special restrictions on the importation of Holstein cross steers and Holstein cross spayed heifers from Mexico. Given that the incidence of bovine tuberculosis in Holstein cross steers and Holstein cross spayed heifers from Mexico is comparable to the incidence of tuberculosis in Holstein steers and Holstein spayed heifers from Mexico, this action is necessary to protect the health of domestic livestock in the United States.

EFFECTIVE DATE: April 1, 2004.

FOR FURTHER INFORMATION CONTACT: Dr. Roger Perkins, Senior Staff Veterinarian, Animals Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 734–8419.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 93 prohibit or restrict the importation of certain animals, birds, and poultry into the United States in order to prevent the introduction of communicable diseases of livestock and poultry. Subpart D of part 93 (§§ 93.400 through 93.435, referred to below as the regulations) governs the importation of ruminants. Section 93.427 of the regulations contains restrictions on the importation of ruminants from Mexico.

On June 3, 2003, we published in the **Federal Register** (68 FR 33028–33030, Docket No. 00–112–1) a proposal to amend the regulations in § 93.427 to prohibit importation of Holstein cross steers and Holstein cross spayed heifers from Mexico. Given that the incidence of bovine tuberculosis in Holstein cross steers and Holstein cross spayed heifers from Mexico is comparable to that of bovine tuberculosis in Holstein steers and Holstein spayed heifers, which have been prohibited entry from Mexico since May 1994, we believed it was necessary to prohibit the importation of those Holstein cross animals in order to eliminate a pathway for the introduction of bovine tuberculosis into the United States.

We solicited comments concerning our proposal for 60 days ending August 4, 2003. We received three comments by that date. They were from a State agricultural agency, a foreign animal health agency, and a domestic milk producers organization. Two of the commenters supported the proposal.

The remaining commenter expressed concern that the identification criteria adopted by inspectors on the United States-Mexico border could create disagreement, since it may prove difficult to differentiate Holsteins or Holstein crosses from other cattle that simply resemble Holsteins or Holstein crosses.

Personnel at U.S. ports, both veterinarians and non-veterinarian inspectors, are thoroughly trained and experienced in identifying all types of breeds and breed crosses. We do not, therefore, believe it is necessary to make any changes in this final rule in response to that comment.

Therefore, for the reasons given in the proposed rule and in this document, we

are adopting the proposed rule as a final rule, without change.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule 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.

We are amending the animal importation regulations to prohibit the importation of Holstein cross steers and Holstein cross spayed heifers from Mexico. The regulations have prohibited the importation of Holstein steers and Holstein spayed heifers from Mexico due to the high incidence of tuberculosis in that breed, but have not placed any special restrictions on the importation of Holstein cross steers and Holstein cross spayed heifers from Mexico. Given that the incidence of tuberculosis in Holstein cross steers and Holstein cross spayed heifers from Mexico is comparable to the incidence of tuberculosis in Holstein steers and Holstein spayed heifers, this action is necessary to protect the health of domestic livestock in the United States.

Given the size of U.S. livestock inventories and the volume of animal and animal product sales, consequences of a large tuberculosis outbreak in the United States could be catastrophic. Cattle in U.S. herds in 2000 were valued at \$67 billion, with 1999 cash receipts of \$36.5 billion from the sale of cattle, calves, beef, and veal. Cash receipts from the sale of milk and cream in 1999 reached \$23.2 billion. The value of fresh beef and veal exports by the United States totaled \$2.7 billion in 1999 and \$3 billion in 2000. A widespread bovine tuberculosis outbreak in the United States could potentially cause significant production and trade losses.

The value of cattle imported from Mexico in 1998 through 2001 represented less than 1 percent of the value of the total U.S. domestic cattle supply. Further, the volume of U.S. imports of live cattle from Mexico has generally increased since 1997. Imports of Holstein cross-bred steers and spayed heifers have generally increased during the same period.

Effect on Small Entities

Under the Regulatory Flexibility Act, agencies are required to analyze the economic effects of their regulations on small businesses and to use flexibility to provide regulatory relief when regulations create economic disparities between different-sized entities. According to the Small Business Administration's (SBA's) Office of

Advocacy, regulations create economic disparities based on size when they have a significant economic impact on a substantial number of small entities.

U.S. livestock importers, breeders, and producers would be entities that are directly affected by this rule. There are no specific data available on numbers of cattle importers; however, there are approximately 2,000 wholesale livestock traders (North American Industry Classification System [NAICS] code 422520), many of whom may also be cattle importers. It is likely that the majority of these firms are small entities according to the SBA's criterion of 100 or fewer employees. There are approximately 1 million livestock producers and breeders (NAICS code 112111) in the United States, approximately 99 percent of which are small entities according to SBA's criterion of annual receipts of \$750,000 or less.

However, given that (1) imported Mexican cattle account for less than 1 percent of the value of the U.S. cattle supply, and (2) the volume of Holstein cross steers and Holstein cross spayed heifers imported from Mexico is believed to represent a small fraction of total cattle imports from Mexico, we expect that the economic effects on the U.S. livestock industry of the prohibition will be negligible. The prohibition also will not have a significant effect on U.S. cattle importers, breeders, or producers because such persons may easily substitute other breeds of cattle for Mexican Holstein cross steers and spayed heifers.

This prohibition on the importation of Holstein cross steers and Holstein cross spayed heifers will benefit the U.S. livestock industry and U.S. consumers by helping to prevent the introduction of bovine tuberculosis into the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This final rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 9 CFR part 93 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

■ 1. The authority citation for part 93 continues to read as follows:

Authority: 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

■ 2. In § 93.427, paragraph (c)(4) is revised to read as follows:

§ 93.427 Cattle from Mexico.

* * * * *

(c) * * *

(4) The importation of Holstein steers, Holstein spayed heifers, Holstein cross steers, and Holstein cross spayed heifers from Mexico is prohibited.

* * * * *

Done in Washington, DC, this 26th day of February 2004.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 04–4598 Filed 3–1–04; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–CE–22–AD; Amendment 39–13504; AD 2003–22–07 R1]

RIN 2120–AA64

Airworthiness Directives; Mitsubishi Heavy Industries, Ltd., MU–2B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is revising Airworthiness Directive (AD) 2003–22–

07, which applies to all Mitsubishi Heavy Industries, Ltd. (Mitsubishi) MU–2B series airplanes. AD 2003–22–07 requires incorporating information into the Limitations Section of the Airplane Flight Manual (AFM) that requires pilot training before flight into known or forecast icing conditions after a certain date. AD 2003–22–07 resulted from the development of a new training video that includes information that is critical to safety of the MU–2B series airplanes. This AD revision is the result of the FAA incorrectly stating in the actions required by AD 2003–22–07 that on or before June 15, 2004 (the effective date of AD 2003–22–07), no person may serve as pilot-in-command (PIC) of a MU–2B series airplane in a flight into known or forecast icing conditions, unless the PIC has received the required training. Consequently, this AD will correct the actions required in AD 2003–22–07 to require those actions on or after June 15, 2004. We are issuing this AD to ensure that the Icing Awareness Training (IAT) requirement continues after June 15, 2004, in order to decrease the chance of icing-related incidents or accidents of the MU–2B series airplanes due to pilot error.

DATES: This AD becomes effective on April 16, 2004.

ADDRESSES: You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003–CE–22–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Office hours are 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Contact one of the following for questions or more information related to this subject:

—*For General Icing Related Questions:*

Mr. Paul Pellicano, Aerospace Engineer (Icing Specialist), Atlanta Aircraft Certification Office, FAA, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6064; facsimile: (770) 703–6097;

—*For Questions Relating to Airplanes on Type Certificate Data Sheet (TCDS)*

A2PC: Mr. Carl Fountain, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3960 Paramount Boulevard, Lakewood, California 90712; telephone: (562) 627–5222; facsimile: (562) 627–5228; or

—*For Questions Relating to Airplanes on TCDS A10SW:* Mr. Werner Koch, Aerospace Engineer, FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–