

# 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 319

[Docket No. 03-069-3]

RIN 0579-AB85

#### Public Meeting; Criteria for New Category of Imported Nursery Stock

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

**ACTION:** Notice of meeting and reopening of comment period.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service will hold a meeting concerning the possibility of establishing a category of plant taxa excluded pending pest risk analysis with respect to the importation of plants for planting. In order to allow interested persons who cannot attend the meeting an opportunity to prepare and submit comments, we are also reopening the comment period for our December 2004 advance notice of proposed rulemaking regarding whether and how we should amend the regulations concerning the importation of nursery stock.

**DATES:** The public meeting will be held on May 25, 2005, from 8:30 a.m. to 5 p.m. We will also consider written comments that we receive on or before June 3, 2005.

**ADDRESSES:** The public meeting will be held at the USDA Center at Riverside, 4700 River Road, Riverdale, MD. You may submit written comments by either of the following methods:

- **EDOCKET:** Go to <http://www.epa.gov/feddoCKET> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once you have entered EDOCKET, click on the "View Open APHIS Dockets" link to locate Docket 03-069-1.

- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. 03-069-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 03-069-1.

**Reading Room:** You may read any comments that we receive on Docket No. 03-069-1 in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

**Other Information:** You may view APHIS documents published in the **Federal Register** and related information on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnold T. Tschanz, Senior Staff Officer, Permits, Registrations and Imports, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737-1236; (301) 734-5306.

**SUPPLEMENTARY INFORMATION:** On December 9, 2004, the Animal and Plant Health Inspection Service (APHIS) published in the **Federal Register** an advance notice of proposed rulemaking (ANPR) and request for comments (69 FR 71736-71744, Docket No. 03-069-1) concerning whether and how we should amend the regulations that govern the importation of nursery stock. We solicited comments concerning our notice for 90 days, ending March 10, 2005.

In a notice published in the **Federal Register** on March 10, 2005 (70 FR 11886, Docket No. 03-069-2), we extended the comment period for Docket No. 03-069-1 for an additional 30 days ending April 11, 2005, to allow interested persons additional time to prepare and submit comments.

As described in the December 2004 ANPR, our regulations in "Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" (7 CFR 319.37 through 319.37-14) currently either (1) prohibit the importation of plants for planting, (2) allow the importation of plants for

planting subject to specific restrictions such as additional declarations on phytosanitary certificates or postentry quarantine, or (3) allow the importation of plants for planting subject to general restrictions such as phytosanitary certificates and inspection at a Federal plant inspection station or port of entry.

In the ANPR, we solicited comments on the idea of establishing a new category for certain taxa of plants for planting that would be excluded from importation pending risk evaluation and approval. As described in the ANPR, a taxon in this new category would, with certain exceptions for plants produced under clean stock or best management practices programs, be excluded from importation until APHIS has completed a pest risk assessment (PRA) and the PRA indicated that the taxon could be imported safely. The PRA would provide us an opportunity to identify any phytosanitary mitigation measures that might be necessary to safely import plants for planting of that taxon; those mitigation measures could then be added to the regulations and the taxon removed from the list of taxa excluded from importation pending risk evaluation and approval.

We have recently completed a set of draft criteria that could be used in the decisionmaking process for determining which taxa might be included in the "excluded pending" category, should such a category be established. The draft criteria may be viewed on the Internet at <http://www.aphis.usda.gov/ppq/Q37/workshop/> or may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**. The draft criteria are also available in our reading room (information on the location and hours of the reading room is provided under the heading **ADDRESSES** at the beginning of this document).

In order to provide a forum for discussing those draft criteria and associated issues, such as how any such category might be implemented were it to be adopted, we will be holding a public meeting on May 25, 2005, in Riverdale, MD. The meeting will use a workshop format to allow for more effective information exchange between APHIS personnel and those interested persons who attend the meeting. So that individuals who are unable to attend the meeting have an opportunity to provide comments on the draft criteria and the subject of establishing a new category

for taxa excluded from importation pending risk evaluation and approval, we are also reopening the comment period for our December 2004 ANPR until June 3, 2005.

#### Registration

Due to space considerations, attendance at the public meeting will be limited. We encourage preregistration. You may register by visiting <http://www.aphis.usda.gov/ppq/q37/workshop> or by contacting Ms. Linda Toran by May 20, 2005, at (301) 734-5307 or by e-mail at [Linda.C.Toran@aphis.usda.gov](mailto:Linda.C.Toran@aphis.usda.gov). Check-in on the day of the meeting will begin at 7:30 a.m.

#### Parking and Security Procedures

Please note that a fee of \$2.25 is required to enter the parking lot at the USDA Center at Riverside. The machine accepts \$1 bills or quarters.

Picture identification is required to be admitted into the building. Upon entering the building, visitors should inform security personnel that they are attending the Nursery Stock meeting.

Done in Washington, DC, this 26th day of April 2005.

**W. Ron DeHaven,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 05-8661 Filed 4-29-05; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NM-387-AD]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document revises an earlier proposed airworthiness directive (AD), applicable to certain McDonnell Douglas airplane models, that would have required a one-time inspection for chafing or signs of arcing of the wire bundle for the auxiliary hydraulic pump, and other specified and corrective actions, as applicable. This new action revises the proposed rule by referring to revised procedures for

performing the corrective and other specified actions. The actions specified by this new proposed AD are intended to prevent shorted wires or arcing at the auxiliary hydraulic pump, which could result in loss of auxiliary hydraulic power, or a fire in the wheel well of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by May 27, 2005.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-387-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: [9-anm-nprmcomment@faa.gov](mailto:9-anm-nprmcomment@faa.gov). Comments sent via fax or the Internet must contain "Docket No. 2001-NM-387-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

**FOR FURTHER INFORMATION CONTACT:** Elvin Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5344; fax (562) 627-5210.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be

considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-387-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-387-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD) applicable to certain McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 airplanes, was published as a notice of proposed rulemaking (NPRM) in the *Federal Register* on June 2, 2003 (68 FR 32693). That NPRM would have required a one-time inspection for chafing or signs of arcing of the wire bundle for the auxiliary hydraulic pump, follow-on actions, and corrective actions if necessary. That NPRM was prompted by reports of shorted wires and evidence of arcing on the power cables of the auxiliary hydraulic pump. That condition, if not corrected, could result in loss of auxiliary hydraulic