

Rules and Regulations

Federal Register

Vol. 68, No. 153

Friday, August 8, 2003

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 03-072-1]

Tuberculosis in Cattle and Bison; State and Zone Designations; Delay of Compliance Date

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule; delay of compliance date.

SUMMARY: When we amended the bovine tuberculosis regulations to classify the States of Texas, California, and New Mexico as modified accredited advanced, we delayed the date for compliance with certain identification and certification requirements in those regulations until September 30, 2003. In this action, we are further delaying the date for compliance until March 30, 2004.

DATES: The date for complying with certain requirements of 9 CFR 77.10 for sexually intact heifers, steers, and spayed heifers moving interstate from the States of Texas, California, and New Mexico is March 30, 2004. (See "Delay in Compliance" under **SUPPLEMENTARY INFORMATION**.)

FOR FURTHER INFORMATION CONTACT: Dr. Terry Beals, Senior Staff Veterinarian, Eradication and Surveillance Team, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231; (301) 734-5467.

SUPPLEMENTARY INFORMATION:

Background

Federal regulations implementing the National Cooperative State/Federal Bovine Tuberculosis Eradication Program are contained in 9 CFR part 77,

"Tuberculosis" (referred to below as the regulations), and in the "Uniform Methods and Rules—Bovine Tuberculosis Eradication" (UMR), which is incorporated by reference into the regulations. The regulations restrict the interstate movement of cattle, bison, and captive cervids to prevent the spread of bovine tuberculosis. Subpart B of the regulations contains requirements for the interstate movement of cattle and bison not known to be infected with or exposed to tuberculosis. The interstate movement requirements depend upon whether the animals are moved from an accredited-free State or zone, modified accredited advanced State or zone, modified accredited State or zone, accreditation preparatory State or zone, or nonaccredited State or zone.

Under the regulations in § 77.10, cattle and bison that originate in a modified accredited advanced State or zone and that are not known to be infected with or exposed to tuberculosis must meet certain identification, certification, and testing requirements prior to being moved interstate.

Delay in Compliance

We recently published several interim rules that amended the regulations by changing the classification of the States of Texas, California, and New Mexico from accredited free to modified accredited advanced and that delayed compliance with certain provisions of § 77.10 until September 30, 2003. The interim rule that amended the classification of Texas was effective June 3, 2002, and published in the **Federal Register** on June 6, 2002 (67 FR 38841-38844, Docket No. 02-021-1); in a document published in the **Federal Register** on December 31, 2002, the compliance date for certain provisions of § 77.10 was extended from January 1, 2003, to September 30, 2003 (67 FR 79836-79837, Docket No. 02-021-3). The interim rule that amended the classification of California was effective and published in the **Federal Register** on April 25, 2003 (68 FR 20333-20336, Docket No. 03-005-1). The compliance date for certain provisions of § 77.10 was September 30, 2003. The interim rule that amended the classification of New Mexico was effective and published in the **Federal Register** on July 24, 2003 (68 FR 43618-43621, Docket No. 03-044-1). Again, the

compliance date for certain provisions of § 77.10 was September 30, 2003.

The specific provisions of § 77.10 that have a delayed compliance date are:

- The identification of sexually intact heifers moving to approved feedlots and steers and spayed heifers moving to any destination (§ 77.10(b));
- The identification requirements for sexually intact heifers moving to feedlots that are not approved feedlots (§ 77.10(d)); and
- Because identification is required for certification, the certification requirements for sexually intact heifers moving to unapproved feedlots (§ 77.10(d)).

Initially, we delayed the compliance with these requirements for the State of Texas for two reasons. First, the size of the cattle industry in Texas necessitated additional time to implement the identification requirements of the regulations. Second, some cattle that had begun moving through channels prior to the change in Texas' tuberculosis status would not have been identified at their premises of origin. In addition, we subsequently delayed the compliance date in response to comments received on the interim rule that classified Texas as modified accredited advanced and that also solicited comments on the current regulatory provisions of the domestic bovine tuberculosis eradication program. The compliance date was delayed for California and New Mexico to provide equitable treatment for producers in California and New Mexico.

Based on the comments that we received on the interim rule for Texas, it appears that the tuberculosis risk associated with the movement of nonbreeding cattle from modified accredited advanced States or zones through feeder channels to slaughter is low and that identification requirements for certain cattle destined for slaughter may be unnecessary. Therefore, we are considering proposing several changes to the regulations as a result of those comments and are further delaying the date for compliance with the identification and certification requirements of § 77.10(b) and (d) for nonbreeding cattle until March 30, 2004. As stated in the interim rule for Texas, this delay in compliance does not apply to the movement of cattle from the former modified accredited

advanced zone in El Paso and Hudspeth Counties, TX.

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

Done in Washington, DC, this 5th day of August 2003.

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–20248 Filed 8–7–03; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2002–11346; Amendment No. 25–110]

RIN 2120–AH38

Lower Deck Service Compartments on Transport Category Airplanes; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document makes corrections to the final rule published in the **Federal Register** on June 19, 2003. That rule amended the airworthiness standards for transport category airplanes concerning lower deck service compartments.

EFFECTIVE DATE: This correction is effective on August 8, 2003.

FOR FURTHER INFORMATION CONTACT: Jayson Claar, telephone (425) 227–2194.

SUPPLEMENTARY INFORMATION:

Correction

■ In the final rule FR Doc. 03–15532, published on June 19, 2003, (68 FR 36880), make the following corrections:

- 1. On page 36880, in column 1 in the heading section, beginning on line 4, correct “Amendment No. 110” to read “Amendment No. 25–110”.
- 2. On page 36883, in the third column, on the first line, correct the word “surface” to read “service.”

Issued in Washington, DC on August 4, 2003.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

[FR Doc. 03–20283 Filed 8–7–03; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–357–AD; Amendment 39–13253; AD 2003–16–01]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 and –11F Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 and –11F airplanes, that requires modifying the overhead instrument lighting by relocating the dimmer control unit and revising the wire routing. This action is necessary to prevent overheating and internal component failure of the dimmer control unit of the overhead instrument lighting, which could result in smoke and/or fire in the flight compartment. This action is intended to address the identified unsafe condition.

DATES: Effective September 12, 2003.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 12, 2003.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Natalie Phan-Tran, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5343; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD)

that is applicable to certain McDonnell Douglas Model MD–11 and –11F airplanes was published in the **Federal Register** on May 15, 2002 (67 FR 34635). That action proposed to require modifying the overhead instrument lighting by relocating the dimmer control unit and revising the wire routing.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. The FAA has given due consideration to the comments received.

One commenter states no objection to the proposed AD.

Request To Ensure That Relocation of Switch Would Eliminate Unsafe Condition

Two commenters express concern about whether relocating the dimmer control unit for the overhead instrument light from its existing location to a better-ventilated area will adequately address the unsafe condition. The commenters note that the proposed AD states that inadequate heat dissipation in the existing location contributed to the overheating and internal component failure of the dimmer control unit. Both commenters question whether the proposed AD is addressing the root cause of the smoke in the flight deck—*i.e.*, the failure of the internal components in the dimmer control unit. The commenters noted that a related AD, AD 98–24–02, amendment 39–10889 (63 FR 63402, November 13, 1998), requires a modification of the dimmer control unit to replace the capacitor in the dimmer control unit with a new capacitor having a higher temperature rating. One of the commenters notes, however, that, even after accomplishment of AD 98–24–02, several operators have reported events involving smoke in the flight deck and failure of the new capacitors. Both commenters question whether adequate research has been done to ensure that relocating the dimmer control unit will preclude the overheating condition that can lead to smoke in the flight deck. One of the commenters states that the airplane manufacturer has informed it that no on-aircraft temperature readings were taken either before or after relocating the dimmer control unit. That commenter requests that such on-aircraft testing be accomplished before the FAA proceeds with this rulemaking action.

We infer that the commenters want us to postpone the proposed rulemaking until further testing and analysis are done to ensure that the proposed action