

# 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 330

[Docket No. 02-011-3]

#### Redelivery of Cargo for Inspection

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** We are withdrawing a proposed rule that would have allowed inspectors from the Animal and Plant Health Inspection Service (APHIS) to require that cargo be returned to the port of first arrival or, if convenient, another location as specified by APHIS for inspection when necessary. The proposed rule was intended to simplify the inspection process by allowing APHIS inspectors to deal directly with owners, shippers, brokers, and their agents rather than having to request that the U.S. Customs Service act on APHIS' behalf and order the cargo returned to the port for inspection. We are taking this action after consulting with the Department of Homeland Security and determining that the incorporation of both Customs and APHIS port inspectors into that department has made the proposed change in the regulations unnecessary.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jane E. Levy, Senior Staff Officer, Quarantine Policy Analysis and Support, PPQ, APHIS, 4700 River Road Unit 60, Riverdale, MD 20737-1236; (301) 734-8259.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 20, 2002, we published in the **Federal Register** (67 FR 41868-41869, Docket No. 02-011-1) a proposal to amend the regulations pertaining to the inspection of cargo entering the United States to provide that inspectors from the Animal and Plant Health Inspection Service (APHIS) could require that cargo

be returned to the port of first arrival or, if convenient, another location as specified by APHIS for inspection when necessary. The proposed rule was intended to simplify the inspection process by allowing APHIS inspectors to deal directly with owners, shippers, brokers, and their agents, rather than having to request that the U.S. Customs Service act on APHIS' behalf and order the cargo returned to the port for inspection.

We solicited comments for 60 days ending August 19, 2002. We received three comments by that date. On August 27, 2002, we published in the **Federal Register** (67 FR 54976, Docket No. 02-011-2) a notice that we were reopening the comment period for the proposed rule until September 16, 2002. We did not receive any additional comments by that date.

After consultation with the Department of Homeland Security (DHS), we have determined that proceeding with a final rule is unnecessary since both Customs and APHIS port inspectors have been incorporated into the Border and Transportation Security Division of DHS. Therefore, we are withdrawing the June 20, 2002, proposed rule.

**Authority:** 7 U.S.C. 450, 7701-7772, and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 31st day of March, 2004.

**Kevin Shea,**

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

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**BILLING CODE 3410-34-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003-NM-79-AD]

RIN 2120-AA64

#### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB-120 series airplanes. This proposal would require repetitive inspections for cracks or evidence of damage/distortion of the anti-skid drive coupling clips for the hubcaps of the main landing gear (MLG) wheels; repetitive measurement of the gap and height dimensions of the coupling clips; corrective actions, if necessary; and eventual replacement of all coupling clips with new, improved coupling clips. This action is necessary to prevent excessive gaps in the anti-skid drive coupling clips for the hubcaps of the MLG, which could result in momentary loss of the normal braking system at low speeds, and reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by May 6, 2004.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2003-NM-79-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. 2003-NM-79-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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343-CEP 12.225, Sao Jose dos Campos-SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA,