

# 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. 03–002–7]

RIN 0579–AC55

#### Importation of Nursery Stock; Postentry Quarantine Requirements for Potential Hosts of *Chrysanthemum White Rust* and Definition of From

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** We are withdrawing a proposed rule that would have amended the nursery stock regulations to provide an option in which the postentry quarantine growing period for articles of *Chrysanthemum* spp., *Leucanthemella serotina*, and *Nipponanthemum nipponicum* that are imported from certain locations would have been reduced from 6 months to 2 months, provided that the grower of those plants implemented a systems approach to prevent the imported articles from being infected with chrysanthemum white rust. The proposed rule would also have amended the definition of *from*. We are taking this action after considering the comments we received following the publication of the proposed rule.

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnold T. Tschanz, Senior Import Specialist, Plants for Planting Import and Analysis, Commodity Import Analysis and Operations, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 734–5306.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 8, 2007, we published in the **Federal Register** (72 FR 44425–44433, Docket No. 03–002–4) a proposed rule<sup>1</sup> that would have

amended the nursery stock regulations in 7 CFR part 319 to provide an option in which the postentry quarantine growing period for articles of *Chrysanthemum* spp., *Leucanthemella serotina*, and *Nipponanthemum nipponicum* that are imported from certain locations would have been reduced from 6 months to 2 months, provided that the grower of those plants implemented a systems approach in the country of origin to prevent the imported articles from being infected with chrysanthemum white rust. The proposed rule would also have amended the definition of *from* in § 319.37–1 to read: “An article is considered to be ‘from’ the country where it, or the plants from which the article was derived, was actively growing for at least 9 months immediately prior to export.”

We solicited comments concerning our proposal for 60 days ending on October 9, 2007. We reopened and extended the deadline for comments until November 26, 2007, in a document published in the **Federal Register** on October 26, 2007 (Docket No. 03–002–5, 72 FR 60790). We received 13 comments by that date. They were from producers, exporters, researchers, and representatives of local, State, and foreign governments.

While some commenters favored implementing the proposed option under which the postentry quarantine growing period for articles of *Chrysanthemum* spp., *Leucanthemella serotina*, and *Nipponanthemum nipponicum* that are imported from certain locations would have been reduced from 6 months to 2 months, others opposed it. Representatives of local and State governments stated that it would be difficult to conduct the required postentry quarantine inspection and produce the appropriate documentation within the 2-month timeframe. One commenter cited the difficulty of detecting the disease at low levels. One commenter stated that it would be difficult to keep shipments of cuttings of *Chrysanthemum* spp., *Leucanthemella serotina*, and *Nipponanthemum nipponicum* that arrive at different times segregated in a postentry quarantine facility. Two commenters stated that the proposed rule should apply only to the importation of breeder material, rather

than production material. One commenter stated that it would be difficult to enforce the requirements of the proposed systems approach at foreign production facilities.

Two commenters referred to a separate risk assessment being prepared by the Plant Protection and Quarantine program’s Center for Plant Health Science and Technology on the subject of chrysanthemum white rust, and suggested that we wait to take further action pending the completion of that assessment.

Four commenters on the proposed rule addressed the definition of *from*. All were opposed to the revised definition. Commenters raised issues regarding accounting for nursery stock production practices under which plants are shipped after growing periods of less than a 9-month growing cycle and pointed out inconsistency between the 9-month growing period we proposed to require for an article to be considered “from” a country and the typical 2-year postentry quarantine period required in § 319.37–7. One commenter urged us to adopt an incremental approach to revising the definition, rather than implementing it all at once.

After considering all the comments we received, we have concluded that it is necessary to reexamine the issues associated with the importation into the United States of articles of *Chrysanthemum* spp., *Leucanthemella serotina*, and *Nipponanthemum nipponicum* under the 2-month postentry quarantine period and the issues associated with revising the definition of *from*. Therefore, we are withdrawing the August 8, 2007, proposed rule referenced above. The concerns and recommendations of all the commenters will be considered if any new proposed regulations regarding the importation of articles of *Chrysanthemum* spp., *Leucanthemella serotina*, and *Nipponanthemum nipponicum* or the definition of *from* are developed.

**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.

<sup>1</sup> To view the proposed rule and the comments we received, go to <http://www.regulations.gov/>

Done in Washington, DC, this 30th day of April 2008.

**Kevin Shea,**

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

[FR Doc. E8-9968 Filed 5-5-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2008-0497; Directorate Identifier 2007-NM-096-AD]

RIN 2120-AA64

#### **Airworthiness Directives; McDonnell Douglas Model DC-8-61, DC-8-61F, DC-8-63, DC-8-63F, DC-8-71F, and DC-8-73F Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain McDonnell Douglas Model DC-8-61, DC-8-61F, DC-8-63, DC-8-63F, DC-8-71F, and DC-8-73F airplanes. For certain airplanes, this proposed AD would require non-destructive testing (NDT) to detect cracks of the door jamb corners of the forward and aft service doors, and doing applicable related investigative and corrective actions. For certain other airplanes, this proposed AD would require inspecting and repairing if necessary or replacing previously repaired door jamb corners with an applicable repair. This proposed AD results from reports of numerous cases of cracks in the skin at the door jamb corners of the forward and aft service doors. We are proposing this AD to detect and correct fatigue cracking of door jamb corners of the forward and aft service doors, which could adversely affect the structural integrity of the airplane.

**DATES:** We must receive comments on this proposed AD by June 20, 2008.

**ADDRESSES:** You may send comments 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 Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024).

#### **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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Jon Mowery, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5322; fax (562) 627-5210.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2008-0497; Directorate Identifier 2007-NM-096-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

##### **Discussion**

We have received reports of numerous cases of cracks found in the skin at the door jamb corners of forward and aft service doors, on certain McDonnell Douglas Model DC-8-61, DC-8-61F, DC-8-63, DC-8-63F, DC-8-71F, and DC-8-73F airplanes. Investigation

revealed that cracks were caused by metal fatigue. Fatigue cracking of door jamb corners of the forward and aft service doors, if not detected and corrected, could adversely affect the structural integrity of the airplane.

#### **Relevant Service Information**

We have reviewed Boeing Alert Service Bulletin DC8-53A082, dated February 6, 2007. For certain airplanes, the service bulletin describes doing initial non-destructive testing (NDT) to detect cracks of the door jamb corners of the forward and aft service doors, and doing applicable related investigative and corrective actions. The applicable related investigative actions include repeating the NDT or doing repetitive inspections of the repaired door jamb corners, as applicable. The corrective actions include repairing the door jamb corners, and contacting Boeing for certain instructions, as applicable. For certain other airplanes, the service bulletin describes procedures for contacting Boeing for repair or inspection instructions or replacing previously repaired door jamb corners with an applicable repair.

The service bulletin specifies the following compliance times:

- For the initial NDT: Within 2,000 landings or 3 years, whichever occurs first.
- For repetitive NDTs or inspections: Between 532 and 11,325 landings depending on the NDT/inspection method.
- For corrective actions: Before further flight or before the repeat interval for the inspection method depending on the repair condition.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

#### **FAA's Determination and Requirements of the Proposed AD**

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. For this reason, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as discussed under "Differences Between the Proposed AD and Service Bulletin."

#### **Differences Between the Proposed AD and Service Bulletin**

Although the service bulletin recommends that operators of airplanes identified as Group 1, Configuration 3, contact the manufacturer for repeat inspection instructions, this proposed