

| Prohibited article (includes seeds only if specifically mentioned)               | Foreign places from which prohibited | Plant pests existing in the places named and capable of being transported with the prohibited article |
|----------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------------|
| * * *                                                                            | * * *                                | * * *                                                                                                 |
| <i>Solanum</i> spp. not meeting the conditions for importation in § 319.37–5(r). | All .....                            | Potato brown rot ( <i>Ralstonia solanacearum</i> race 3 biovar 2).                                    |
| * * *                                                                            | * * *                                | * * *                                                                                                 |

\* \* \* \* \*

■ 3. In § 319.37–5, a new paragraph (r) is added and the OMB control number citation at the end of the section is revised to read as follows:

**§ 319.37–5 Special foreign inspection and certification requirements.**

\* \* \* \* \*

(r) Any restricted article of *Pelargonium* spp. or *Solanum* spp. presented for importation into the United States must meet the following requirements:

(1) Any article of *Pelargonium* spp. or *Solanum* spp. imported from Canada under the provisions of the greenhouse-grown restricted plant program as described in § 319.37–4(c) may be presented for importation at the port of first arrival in the United States with a certificate of inspection in the form of a label in accordance with § 319.37–4(c)(1)(iv).

(2) For any article of *Pelargonium* spp. or *Solanum* spp. that does not meet the requirements of paragraph (r)(1) of this section and is from a region where *Ralstonia solanacearum* race 3 biovar 2 is not known to occur at the time of arrival at the port of first arrival in the United States, the phytosanitary certificate of inspection required by § 319.37–4 must contain an additional declaration that states “*Ralstonia solanacearum* race 3 biovar 2 is not known to occur in the region of origin of the articles in this shipment.”

(3) For any article of *Pelargonium* spp. or *Solanum* spp. that is from a region where *Ralstonia solanacearum* race 3 biovar 2 is known to occur at the time of arrival at the port of first arrival in the United States, the phytosanitary certificate of inspection required by § 319.37–4 must contain an additional declaration that states “The production facility where these plants were produced has been tested and found to be free of *Ralstonia solanacearum* race 3 biovar 2.”

(Approved by the Office of Management and Budget under control number 0579–0049, 0579–0176, and 0579–0221.)

Done in Washington, DC, this 16th day of May 2003.

**Kevin Shea,**

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

[FR Doc. 03–12988 Filed 5–22–03; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003–NM–124–AD; Amendment 39–13159; AD 2003–10–14]

RIN 2120–AA64

#### **Airworthiness Directives; Airbus Model A319–131, –132, and –133; A320–232 and –233; and A321–231 Series Airplanes; Equipped With International Aero Engines (IAE) V2500–A5 Series Engines**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to all Airbus Model A319–131, –132, and –133; A320–232 and –233; and A321–231 series airplanes; equipped with International Aero Engines (IAE) V2500–A5 series engines. This action requires revising the airplane flight manual to incorporate new procedures to follow in the event of an oil filter clog message. This action is necessary to require the flightcrew to follow the procedures necessary to prevent smoke caused by an oil filter clog from entering the cabin during flight. This action is intended to address the identified unsafe condition.

**DATES:** Effective June 9, 2003.

Comments for inclusion in the Rules Docket must be received on or before June 23, 2003.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–124–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-iarcomment@faa.gov](mailto:9-anm-iarcomment@faa.gov). Comments sent via the Internet must contain “Docket No. 2003–NM–124–AD” in the subject line and need not be submitted in triplicate. Comments sent via fax or the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

Information pertaining to this amendment may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tim Dulin, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2141; fax (425) 227–1149.

**SUPPLEMENTARY INFORMATION:** The FAA has received a report of a recent incident of dense smoke in the cabin on an Airbus Model A319 series airplane that resulted in an emergency landing. The smoke rapidly filled the cabin and cockpit, reducing the visibility to the point that the flightcrew had difficulty seeing the instruments. Investigation revealed that the smoke was caused by the failure of the number 3 bearing on an International Aero Engines (IAE) V2500–A5 series engine, resulting in oil being ingested into the cabin air conditioning system through the engine high pressure compressor. The “ENG 1 Oil Filter Clog” message appeared on the electronic centralized aircraft monitoring (ECAM) display about 10–15 minutes prior to the smoke filling the cabin; however, there is currently no pilot action associated with this message. In-service reports have shown that the “oil filter clog” message is frequently a symptom of engine bearing damage that could potentially lead to smoke entering the cabin through the air conditioning pack on the affected side. This condition, if not corrected, could reduce the flightcrew’s ability to see and

result in the flightcrew having difficulty in controlling the airplane while applying smoke removal procedures.

### U.S. Type Certification of the Airplane

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

### Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to require the flightcrew to follow the procedures necessary to prevent smoke caused by an oil filter clog from entering the cabin during flight. This AD requires revising the airplane flight manual to incorporate new procedures to follow in the event of an oil filter clog message.

### Interim Action

We consider this AD interim action. If final action is later identified, we may consider further rulemaking then.

### Changes to 14 CFR Part 39/Effect on the AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOC). Because we have now included this material in part 39, only the office authorized to approve AMOCs is defined in each individual AD.

### Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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

under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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 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 rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2003–NM–124–AD." The postcard will be date stamped and returned to the commenter.

### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be

significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

■ 2. Section 39.13 is amended by adding the following new airworthiness directive:

**2003–10–14 Airbus:** Amendment 39–13159. Docket 2003–NM–124–AD.

**Applicability:** All Airbus Model A319–131, –132, and –133; A320–232 and –233; and A321–231 series airplanes; certificated in any category; equipped with International Aero Engines (IAE) V2500–A5 series engines.

**Compliance:** Required as indicated, unless accomplished previously.

To require the flightcrew to follow the procedures necessary to prevent smoke caused by an oil filter clog from entering the cabin during flight, accomplish the following:

#### Airplane Flight Manual (AFM) Revision

(a) Within 7 days after the effective date of this AD, revise the Limitations section of the Airbus A318/319/320/321 AFM to include the following statements (this may be accomplished by inserting a copy of this AD into the AFM):

#### Procedure for Oil Filter Clog ECAM Caution

The ECAM does not require any pilot action in case of ENG 1(2) OIL FILTER CLOG ECAM warning.

However, to minimize the risk of air conditioning system contamination by oil fumes, systematically apply the following procedure in any event of oil filter clog:  
Eng 1(2) Oil Filter Clog

In-service reports have shown that this ECAM warning is frequently a symptom of engine bearing damage that could potentially lead to smoke entering the cabin via the pack of the affected side. This procedure aims to avoid air conditioning smoke, while continuing normal engine operation.

Eng Bleed (affected side)—Off.  
(Prevents possible bleed contamination by engine oil.)

Pack (affected side)—Off.

(Switching off one pack enables the remaining pack to operate at 120 percent without any risk of remaining bleed misbehavior. Keep the pack on in case of an MEL dispatch with one pack inoperative.)

The pack that has been switched off remains available with the crossbleed valve open. Therefore, switch it on in case of a subsequent independent malfunction affecting the operating pack.)

Crossbleed—Open.

(Opening the crossbleed valve enables the wing anti-ice to be used when needed.)

Closely Monitor Engine Parameters for Surge/Stall, Oil Pressure Fluctuations, or Abnormal Engine Vibrations; and, When Necessary, Apply the Associated Procedure.

If, after the oil filter clog, the engine experiences or has already experienced a surge/stall possibly accompanied by a yaw-effect on the aircraft:

Eng (Affected) Thrust Lever—Idle.

(Reducing the thrust of the affected engine minimizes further damage to the engine rotary machinery, but will not necessarily prevent more oil from entering the gas path.)

Maintain engine at idle, and consider engine shutdown if high vibration occurs or oil quantity/oil pressure drops low.)

Oil Filter Clog ECAM warnings occurring on the ground during engine start are frequently due to low oil viscosity and may be self-recoverable. In the event of an Oil Filter Clog warning during engine start, please refer to FCOM 3.02.70 page 2.”

#### Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, FAA, is authorized to approve alternative methods of compliance for this AD.

#### Effective Date

(c) This amendment becomes effective on June 9, 2003.

Issued in Renton, Washington, on May 16, 2003.

Vi L. Lipski,

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 03-12836 Filed 5-22-03; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2003-15077; Airspace  
Docket No. 03-ACE-45]

#### Modification of Class E Airspace; Pocahontas, IA

AGENCY: Federal Aviation  
Administration (FAA), DOT.

ACTION: Direct final rule; request for  
comments.

SUMMARY: The action modifies Class E  
airspace at Pocahontas, IA. An

examination of controlled airspace for Pocahontas, IA revealed description for the Pocahontas, IA Class E airspace area. This action corrects the discrepancies by modifying the Pocahontas, IA Class E airspace area. It also incorporates the revised Pocahontas Municipal Airport, IA airport reference point in the Class E airspace legal description.

DATES: This direct final rule is effective on 0901 UTC, September 4, 2003. Comments for inclusion in the Rules Docket must be received on or before June 25, 2003.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2003-15077/Airspace Docket No. 03-ACE-45, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

FOR FURTHER INFORMATION CONTACT:  
Kathy Randolph, Air Traffic Division,  
Airspace Branch, ACE-520C, DOT  
Municipal Headquarters Building,  
Federal Aviation Administration, 901  
Locust, Kansas City, MO 64106;  
telephone: (816) 329-2525.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 modifies the Class E airspace area extending upward from 700 feet above the surface of the earth at Pocahontas, IA. An examination of controlled airspace for Pocahontas, IA revealed discrepancies in the Pocahontas Municipal Airport airport reference point used in the legal description for this airspace area. This amendment incorporates the revised Pocahontas, IA Class E airspace area into compliance with FAA Order 7400.2E, Procedures for Handling Airspace Matters. This area will be depicted on appropriate aeronautical charts. Class E airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

#### Comments Invited

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket No. FAA-2003-15077/Airspace Docket No. 02-ACE-45.” The postcard will be date/time stamped and returned to the commenter.

#### Agency Findings

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.