

# 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

### Agricultural Marketing Service

#### 7 CFR Part 60

[Doc. No. LS-04-04]

RIN 0581-AC26

#### Mandatory Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule; extension of comment period; correction.

**SUMMARY:** On October 30, 2003, the Agricultural Marketing Service (AMS) published a proposed rule (68 FR 61944) for the mandatory country of origin labeling program as mandated by the Farm Security and Rural Investment Act of 2002 (Farm Bill) and the 2002 Supplemental Appropriations Act (Appropriations Act), which amended the Agricultural Marketing Act of 1946 (Act) to require retailers to notify their customers of the country of origin of covered commodities beginning September 30, 2004. AMS is extending the comment period to February 27, 2004, at the request of industry trade associations to provide interested parties with additional time to file comments. In addition, AMS is making corrections to the "Analysis of Benefits and Costs" section of the preliminary cost-benefit assessment of the proposed rule in order to correct minor transcription errors. The estimated recordkeeping and implementation costs as well as the estimated overall impact to the economy as a result of the proposed rule remain unchanged.

**DATES:** Comments must be submitted on or before February 27, 2004, to be assured of consideration.

**ADDRESSES:** Send written comments to: Country of Origin Labeling Program, Room 2092-S, Agricultural Marketing Service (AMS), USDA, STOP 0249, 1400 Independence Avenue, SW.,

Washington, DC 20250-0249, or by facsimile to 202-720-3499, or by e-mail to [cool@usda.gov](mailto:cool@usda.gov). Comments received will be posted to the AMS Web site at: <http://www.ams.usda.gov/cool/>. Comments sent to the above location that specifically pertain to the information collection and recordkeeping requirements should also be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street, NW., Room 725, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Robert Keeney, Deputy Administrator, Fruit and Vegetable Programs, AMS, USDA, by telephone on 202-720-4722, or via e-mail at: [robert.keeney@usda.gov](mailto:robert.keeney@usda.gov); or William Sessions, Associate Deputy Administrator, Livestock and Seed Program, AMS, USDA, by telephone on (202) 720-5705, or via e-mail at: [william.sessions@usda.gov](mailto:william.sessions@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Farm Bill and the Appropriations Act amended the Act to require retailers to notify their customers of the country of origin of covered commodities beginning September 30, 2004. The law also requires the Department of Agriculture to issue regulations to implement a mandatory COOL program not later than September 30, 2004.

On October 30, 2003, AMS published a proposed rule in the **Federal Register** (68 FR 61944) for the mandatory country of origin labeling program. The comment period was originally scheduled to end on December 29, 2003. However, industry trade organizations have requested additional time to study the proposed regulation to develop more meaningful comments. Because the proposed rule will significantly impact a large number of entities, AMS has determined that there is sufficient justification for extending the comment period 60 days until February 27, 2004.

In accordance with Executive Order 12866, as part of the rulemaking process AMS examined the economic impact of the proposed rule for the mandatory COOL program, which was published in the October 30, 2003, **Federal Register** (68 FR 61944). Due to transcription errors, several numerical values were reported incorrectly in the section of the economic impact assessment that

addressed effects of the proposed rule on the economy. The transcription errors occurred on pages 61970 and 61971 of the October 30, 2003, **Federal Register** notice, Docket Number LS-03-04. The last sentence beginning at the bottom of the first column of page 61970 was published as follows:

"The results of our analysis indicate that U.S. production of all the covered commodities combined will decline from 0.15 percent to 0.92 percent and that the overall price level for these commodities (a weighted average index of the prices received by suppliers for their commodities) will increase by 0.06 percent to 0.64 percent."

The originally published sentence should be replaced with the following sentence, which replaces three incorrectly reported numerical values:

"The results of our analysis indicate that U.S. production of all the covered commodities combined will decline from 0.12 percent to 0.30 percent and that the overall price level for these commodities (a weighted average index of the prices received by suppliers for their commodities) will increase by 0.06 percent to 0.25 percent."

On page 61971, four numbers were reported incorrectly in Table 9—Estimated Impact of Proposed Rule on U.S. Production, Prices, and Trade of Impacted Sectors. As initially published, percentage changes in the volume of exports of hogs, beef and lamb, pork, and fish under the Low Incremental Cost scenario were incorrectly reported. Initially published and corrected values for the affected cells of Table 9 are as follows:

Corrected numerical values for Table 9.—Estimated impact of proposed rule on U.S. production, prices and trade of impacted sectors

	Exports percent change from the base year	
	As initially published	Replace with
Low Incremental Cost:		
Hogs .....	-0.05	-0.09
Beef and Lamb ..	-0.05	-0.13
Pork .....	-0.09	-0.16
Fish .....	-0.12	-0.27

It should be noted that Table 10—Estimated Changes in U.S. Production, Prices, and Trade for Affected

Commodities, which translates the percentage changes shown in Table 9 into unit values, is correct as initially published on page 61972.

The transcription errors relate to incorrectly reported outcomes of the analysis and in no way impact the analysis itself. The estimated costs to the U.S. economy after a decade of adjustment remain unchanged from the range of \$138 million to \$596 million in reduced consumers' purchasing power. Moreover, the estimated recordkeeping and implementation costs remain unchanged.

**Authority:** 7 U.S.C. 1621 *et seq.*

Dated: December 17, 2003.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 03-31492 Filed 12-17-03; 4:03 pm]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-255-AD]

RIN 2120-AA64

#### **Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series 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 Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 series airplanes, and C-9 (military) airplanes, that would have superseded an existing AD that currently requires repetitive ultrasonic or magnetic particle inspections to detect cracking of the engine pylon aft upper spar straps (caps); and if necessary, replacement of the strap with a new strap, or modification of the engine pylon rear spar straps, which constitutes terminating action for the repetitive inspections. The proposed AD also would have required new, improved repetitive ultrasonic inspections, and corrective actions if necessary. The proposed AD also would have required, among other items, a terminating action for the repetitive inspection requirements. This new action revises

the proposed rule by adding airplanes to the applicability. The actions specified by this new proposed AD are intended to detect and correct such fatigue cracking, which could result in major damage to the adjacent structure of the pylon aft upper spar cap, and consequent reduced structural integrity of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by January 16, 2004.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-255-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. 99-NM-255-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 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 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:** Wahib Mina, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5324; 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 99-NM-255-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. 99-NM-255-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-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 series airplanes, and C-9 (military) airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on May 10, 2000 (65 FR 30025). That NPRM proposed to supersede AD 78-01-16, amendment 39-3117 (43 FR 1300, January 9, 1978), which is applicable to certain McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 series airplanes, and C-9 (military) airplanes. That NPRM would have continued to require repetitive ultrasonic or magnetic particle inspections to detect cracking of the