

# Proposed Rules

Federal Register

Vol. 69, No. 196

Tuesday, October 12, 2004

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 304

[Docket No. 02-086-2]

RIN 0579-AB54

#### Methyl Bromide; Official Quarantine Uses

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

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

**SUMMARY:** We are extending the comment period for our proposed rule that would establish regulations to provide for the submission of requests by State, local, or tribal authorities for a determination whether methyl bromide treatments or applications required by the State, local, or tribal authorities to prevent the introduction, establishment, or spread of plant pests or noxious weeds should be authorized as official quarantine uses. This action will allow interested persons additional time to prepare and submit comments.

**DATES:** We will consider all comments that we receive on or before November 12, 2004.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. 02-086-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 02-086-1.

- *E-mail:* Address your comment to [regulations@aphis.usda.gov](mailto:regulations@aphis.usda.gov). Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 02-086-1" on the subject line.

- *Agency Web site:* Go to <http://www.aphis.usda.gov/ppd/rad/>

*cominst.html* for a form you can use to submit an e-mail comment through the APHIS Web site.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the instructions for locating this docket and submitting comments.

*Reading Room:* You may read any comments that we receive on Docket No. 02-086-1 in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

*Other Information:* You may view APHIS documents published in the **Federal Register** and related information, including the names of groups and individuals who have commented on APHIS dockets, on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Inder P. Gadh, Treatment Specialist, Phytosanitary Issues Management, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737; (301) 734-6799.

**SUPPLEMENTARY INFORMATION:** On August 12, 2004, we published in the **Federal Register** (69 FR 49824-49829, Docket No. 02-086-1) a proposal to establish regulations to provide for the submission of requests by State, local, or tribal authorities for a determination whether methyl bromide treatments or applications required by the State, local, or tribal authorities to prevent the introduction, establishment, or spread of plant pests or noxious weeds should be authorized as official quarantine uses. The proposed rule would establish a process by which State, local, or tribal authorities could request and, if warranted, receive, a determination that their methyl bromide requirements should be authorized as official quarantine uses.

Comments on the proposed rule were required to be received on or before October 12, 2004. We are extending the comment period on Docket No. 02-086-1 for an additional 30 days, ending November 12, 2004. This action will allow interested persons additional time to prepare and submit comments

**Authority:** 7 U.S.C. 7719; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 6th day of October 2004.

**Elizabeth E. Gaston,**

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

[FR Doc. 04-22790 Filed 10-8-04; 8:45 am]

**BILLING CODE 3410-34-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 110

RIN 3150-AH44

#### Export and Import of Nuclear Equipment and Radioactive Materials; Security Policies; Notice of Public Meeting

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Proposed rule; notice of public meeting.

**SUMMARY:** A public meeting will be held to discuss the Nuclear Regulatory Commission (NRC) proposed rule amending its regulations pertaining to the export and import of nuclear equipment and materials. The proposed rule was published in the **Federal Register** on September 16, 2004 (69 FR 55785). This rule implements recent changes to the nuclear and radioactive material security policies of the Commission and the Executive Branch. The meeting is open to the public and all interested parties may attend.

**DATES:** The public meeting will be held on Tuesday, October 19, 2004, from 10 a.m. to 12 noon. Should it become necessary to change the date or time of this meeting, the NRC will provide the revised information in a meeting notice posted on the NRC's public Web site at <http://www.nrc.gov/public-involve/public-meetings/meeting-schedule.html>.

**ADDRESSES:** The public meeting will be held at the Nuclear Regulatory Commission One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland, Room 1-F16.

The proposed rule, the regulatory analysis and any public comments received may be viewed and downloaded electronically via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>. Publicly available documents related to this rulemaking may be viewed electronically on public computers in the NRC Public Document

Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, Room O-1 F21, and open to the public on Federal workdays from 7:45 a.m. until 4:15 p.m. The PDR reproduction contractor will make copies of documents for a fee.

Publicly available NRC documents created or received in connection with this rulemaking are also available electronically via the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The proposed rule is available under ADAMS accession number ML042440237; the regulatory analysis is available under accession number ML0418404900. If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at (800) 397-4209, (301) 415-4737 or by e-mail at [PDR@nrc.gov](mailto:PDR@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Suzanne Schuyler-Hayes, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, telephone (301) 415-2333, e-mail: [ssh@nrc.gov](mailto:ssh@nrc.gov).

**SUPPLEMENTARY INFORMATION:** New specific licensing and reporting requirements for certain exports and imports of nuclear and radioactive material will be discussed. The meeting is open to the public.

Dated at Rockville, Maryland, this 5th day of October 2004. For the Nuclear Regulatory Commission.

**James W. Clifford,**

*Acting Deputy Director, Office of International Programs.*

[FR Doc. 04-22784 Filed 10-8-04; 8:45 am]

BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 90-CE-55-AD]

RIN 2120-AA64

#### **Airworthiness Directives; The New Piper Aircraft, Inc. (formerly the Piper Aircraft Corporation) Models PA-12, PA-12S, and PA-14 Airplanes**

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This document withdraws a notice of proposed rulemaking (NPRM) that would have applied to certain The New Piper Aircraft, Inc. (Piper) Models PA-12, PA-12S, and PA-14 airplanes that are equipped with F. Atlee Dodge Aircraft Services, Inc., Model 3140 long-range fuel tanks. The proposed action would have required removing all Model 3140 fuel tanks and restoring the wing panel assemblies to an approved type design configuration. Since issuance of the NPRM and after further review of all available information, including the comments received on the NPRM, the Federal Aviation Administration (FAA) has determined that the proposed rule as written should be withdrawn. This withdrawal does not prevent the FAA from initiating future rulemaking on this subject.

**ADDRESSES:** You may look at information related to this action at FAA, Central Region, Office of Regional Counsel, Attention: Rules Docket No. 90-CE-55-AD, 901 Locust, Room 506, Kansas City, Missouri 64106, through 8 a.m. and 4 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Ballenger, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4152; facsimile: (816) 329-4090; e-mail: [barry.ballenger@faa.gov](mailto:barry.ballenger@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

*What action has FAA taken to date?* We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Piper Models PA-12, PA-12S, and PA-14 airplanes that are equipped with F. Atlee Dodge Services, Inc. Model 3140 fuel tanks. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on January 8, 1991 (56 FR 561). The action proposed to require removing all F. Atlee Dodge Service, Inc. Model 3140 fuel tanks and restoring the wing panel assemblies to the configuration defined by the original type design or approved under an applicable Supplemental Type Certificate.

*Was the public invited to comment?* The FAA invited interested persons to participate in the making of this amendment. The numerous comments we received fell in the following areas:—Problems with F. Atlee Dodge Model 3140 fuel tanks.

- The adequacy of the installation procedures and instructions for the F. Atlee Dodge Model 3140 fuel tanks.
- The condition of the original tanks.
- The relationship between the Model 3140 fuel tank manufacturer and the FAA.
- The cost of the proposed action.
- The contents of the Malfunction and Defect report referenced in the NPRM.
- The strength and structural differences between the F. Atlee Dodge Model 3140 tanks and the original fuel tanks.

*What is the FAA's final determination on this issue?* The FAA evaluated all of these comments and all information related to this issue and determined that:

(1) An unsafe condition as defined in part 39 of the Federal Aviation Regulations (14 CFR part 39) does not exist on FAA-approved field installations of the F. Atlee Dodge Services, Inc. Model 3140 fuel tanks on Piper Models PA-12, PA-12S, and PA-14 airplanes; and

(2) The NPRM as currently written should be withdrawn.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing future rulemaking on this issue, nor does it commit the agency to any course of action in the future.

#### **Regulatory Impact**

*Does this AD involve a significant rule or regulatory action?* Since this action only withdraws an NPRM, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

#### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation Safety, Safety.

#### **The Withdrawal**

Accordingly, the notice of proposed rulemaking, Docket No. 90-CE-55-AD, published in the **Federal Register** on January 8, 1991 (56 FR 561), is withdrawn.

Issued in Kansas City, Missouri, on October 4, 2004.

**Dorenda D. Baker,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 04-22813 Filed 10-8-04; 8:45 am]

BILLING CODE 4910-13-U