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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. 03–025N]

**9 CFR Parts 301, 309, 310, 311, 313, 318, 319 and 320**

**Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle; Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery (AMR) Systems; Prohibition of the Use of Certain Stunning Devices Used To Immobilize Cattle During Slaughter; Bovine Spongiform Encephalopathy (BSE) Surveillance Program**

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Notice of availability and request for comment on preliminary regulatory impact analysis; extension of comment period for interim rules.

**SUMMARY:** The Food Safety and Inspection Services (FSIS) is announcing the availability of, and requesting public comment on, its preliminary regulatory impact analysis (PRIA) of three interim rules and a notice issued by the Agency in the **Federal Register** on January 12, 2004, in response to the detection of a case of BSE in the United States. The Agency is also extending the comment period for the three interim final rules issued on that date so that the closing date of that comment period coincides with the closing date of the comment period for the PRIA.

**DATES:** Comments on the interim final rules issued on January 12, 2004, and the PRIA are due May 7, 2004.

**ADDRESSES:** FSIS invites interested persons to submit comments on this proposed rule. Comments may be

submitted by any of the following methods:

- Mail, including floppy disks or CD-ROM's, and hand- or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW., Room 102 Cotton Annex, Washington, DC 20250.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions at that site for submitting comments.

All submissions received must include the Agency name and docket number 01–003P or Regulatory Information Number (RIN) 0583–AC87.

All comments submitted in response to this proposal, as well as research and background information used by FSIS in developing this document, will be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday. The comments also will be posted on the Agency's Web site at <http://www.fsis.usda.gov/OPPDE/rdad/FRDockets.htm>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Quita Bowman, Director, Directives and Economic Analysis Staff, Office of Policy and Program Development, Food Safety and Inspection Service, U.S. Department of Agriculture (202) 690–0486.

#### SUPPLEMENTARY INFORMATION:

On January 12, 2004, FSIS published three interim final rules (69 FR 1862, 1874, and 1885) and a notice (69 FR 1892) in the **Federal Register** in response to the diagnosis on December 23, 2003, by the U.S. Department of Agriculture of a positive case of BSE in an adult Holstein cow in the state of Washington (see “Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle” (69 FR 1862); “Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery (AMR) Systems” (69 FR 1874); “Prohibition of the Use of Certain Stunning Devices Used To Immobilize Cattle During Slaughter” (69 FR 1885); and “Bovine Spongiform Encephalopathy Surveillance Program” (69 FR 1892)). The Final rules promulgated by these documents are intended to prevent human exposure to materials that scientific studies have demonstrated contain the BSE agent in

cattle infected with BSE. Scientific and epidemiological studies have linked the fatal human disease, variant Creutzfeldt Jakob Disease (vCJD) to exposure to BSE, probably through human consumption of beef products contaminated with the agent that causes this disease.

Most of the tissues in which BSE infectivity has been confirmed have demonstrated infectivity before cattle infected under experimental conditions developed clinical signs of disease. Thus, when the cow in Washington State tested as positive for BSE on December 23, 2003, FSIS determined that immediate action was necessary to ensure that materials that could present a significant risk to human health, but whose infectivity status cannot be readily ascertained, were excluded from the human food supply. Therefore, the interim final rules described above were issued on an emergency basis and became effective immediately upon publication. In the preamble to those rule, FSIS explained that it had determined that prior notice and opportunity for public comment were contrary to the public interest, and that there was good cause under 5 U.S.C. 553 for making the rules effective less than 30 days after publication in the **Federal Register** (69 FR 1871, 1883, 1889).

#### Executive Order 12866 and Regulatory Flexibility Act

The interim final rules issued on January 12, 2004, were reviewed under Executive Order 12866 and two of them, “Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle” (69 FR 1862) and “Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery (AMR) Systems” (69 FR 1874), were determined to be economically significant for purposes of that executive order. However, as stated in the preamble to the rules, the emergency situation giving rise to the rulemakings made timely compliance with Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. Therefore, these interim final rules did not include analyses of costs or benefits of the rule or the effects of the rule on small businesses.

However, in the preamble to those rules, FSIS stated that when the Agency completed assessment of the potential

economic effects of the rules, the Agency would publish a notice of availability in the **Federal Register** and would provide an opportunity for public comment (69 FR 1871, 1883). Consistent with these statements, FSIS is now announcing the availability of the PRIA of these interim final rules (which also includes an analysis of the effects of the other interim final rule and the notice published in the **Federal Register** on January 12, 2004) and is providing the public 30 days on which to comment on the analysis.

In addition to announcing the availability of the PRIA, FSIS is also extending the comment period for all of the interim final rules issued on January 12, 2004, so that the comment period for these rules and the PRIA will close on the same day.

#### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that the public, and in particular minorities, women, and persons with disabilities, are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at <http://www.fsis.usda.gov>. The Regulations.gov Web site is the central online rulemaking portal of the United States government. It is being offered as a public service to increase participation in the Federal government's regulatory activities. FSIS participates in Regulations.gov and will accept comments on documents published on the site. The site allows visitors to search by keyword or Department or Agency for rulemakings that allow for public comment. Each entry provides a quick link to a comment form so that visitors can type in their comments and submit them to FSIS. The Web site is located at <http://www.regulations.gov>.

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

Done in Washington, DC, on: April 2, 2004.

**Philip S. Derfler,**

*Acting Administrator.*

[FR Doc. 04-7925 Filed 4-5-04; 11:15 am]

**BILLING CODE 3410-DM-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM275; Special Conditions No. 25-258-SC]

#### Special Conditions: Gulfstream Model GIV-X Airplane; Interaction of Systems and Structures

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Gulfstream Model GIV-X airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These design features are associated with new or modified flight control systems, including the yaw damper and hard-over prevention system, that affect the structural performance of the airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these systems and their effect on structural performance. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the applicable airworthiness standards.

**DATES:** The effective date of these special conditions is March 29, 2004. Comments must be received on or before May 7, 2004.

**ADDRESSES:** Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Aircraft Certification Service, Attention: Rules Docket (ANM-113), Docket No. NM275, 1601 Lind Avenue SW., Renton, Washington 98055-4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: Docket No. NM275. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** Todd Martin, FAA, Airframe/Cabin

Safety Branch, ANM-115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1178; facsimile (425) 227-1320.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA has determined that notice and opportunity for prior public comment is impracticable, because these procedures would significantly delay certification and, thus, delivery of the airplane. The FAA, therefore, finds that good cause exists for making these special conditions effective upon issuance; however, the FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on these special conditions, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

#### Background

On August 22, 2000, Gulfstream applied for an amendment to Type Certificate No. A12EA to include an updated version of the Model GIV airplane. The Model GIV-X, which is a derivative of the GIV airplane currently approved under Type Certificate No. A12EA, is a pressurized, low-wing, "T" tail transport category airplane with tricycle landing gear. It is powered by two Rolls-Royce model Tay 611-8C engines and will carry a maximum of 19 passengers.