

§ 900.700 Exemption from assessments.

(a) This section specifies criteria for identifying persons eligible to obtain an assessment exemption for marketing promotion, including paid advertising, and procedures for applying for an exemption for 7 CFR parts 906, 915, 916, 917, 922, 923, 924, 925, 927, 929, 930, 931, 932, 947, 948, 955, 956, 958, 959, 966, 979, 981, 982, 984, 985, 987, 989, and 993. For the purposes of this section, the term "assessment period" means fiscal period, fiscal year, crop year, or marketing year as defined under these parts; the term "marketing promotion expenditures" mean expenses incurred under the various marketing order for marketing research and development projects, and marketing promotion, including paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of the applicable commodity.

(b) Any handler that produces and markets solely 100 percent organic products produced on a certified organic farm as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502) and the regulations issued under that Act, is subject to assessments under a part or parts specified in paragraph (a) of this section, and does not produce or market any conventional or non-organic products shall be exempt from the portion of the assessment applicable to marketing promotion, including paid advertising. For purposes of this section, *produce* means to grow or produce food, feed, livestock, or fiber or to receive food, feed, livestock, or fiber and alter that product by means of feeding, slaughtering, or processing. Any handler so exempted shall be obligated to pay the portion of the assessment for other authorized activities under such part or parts.

(c) To be exempt from paying assessments for these purposes under a part or parts, the handler shall submit an application to the committee or board established under the applicable part or parts prior to or during the assessment period. This application shall include the handler's name and address, the name and address of the company, telephone and fax numbers, a copy of the organic farm or organic handling operation certificate(s) provided by a USDA-accredited certifying agent under the Organic Foods Production Act of 1990 (7 U.S.C. 6502) for the purposes specified in paragraph (b) of this section, and the handler's certification that the handler meets all of the applicable requirements for an assessment exemption as

provided in this section. The handler shall file the application with the committee or board, prior to or during the applicable assessment period, and annually thereafter as long as the handler continues to be eligible for the exemption. If the handler complies with these requirements and is eligible for an assessment exemption, the committee or board will approve the exemption and notify the handler within 30 days of receiving the handler's application. If the application is disapproved, the committee or board will notify the handler of the reason(s) for disapproval. The Secretary may review any decisions made by the committees or boards at his/her discretion.

(d) The applicable assessment rate for any handler approved for an exemption shall be computed by dividing the committee's or board's estimated non-marketing promotion expenditures by the committee's or board's estimated total expenditures approved by the Secretary and applying that percentage to the assessment rate applicable to all persons for the assessment period. The Secretary shall review the assessment rate for eligible persons and, if appropriate, approve the assessment rate.

(e) Within 30 days following the applicable assessment period, the committee or board shall re-compute the applicable assessment rate for handlers exempt under this section based on the actual expenditures incurred during the applicable assessment period. The Secretary shall review, and if appropriate, approve any change in the rate applicable to exempt handlers.

(f) When the requirements of this section for exemption no longer apply to a handler, the handler shall inform the committee or board immediately and pay the full assessment on all remaining assessable product for all committee or board assessments from the date the handler no longer is eligible to the end of the assessment period.

Dated: November 25, 2003.

A.J. Yates,

Administrator,

Agricultural Marketing Service.

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2003-NE-48-AD]

RIN 2120-AA64

Airworthiness Directives; Hamilton Sundstrand Corporation (Formerly Hamilton Standard Division) Model 568F Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain serial numbered (SN) propeller blades installed in Hamilton Sundstrand Corporation (formerly Hamilton Standard Division) 568F propellers. This proposed AD would require replacement of propeller blades, part numbers (P/N's) R815505-3 and R815505-4 that have a serial number (SN) of FR1699 to FR20021010, with serviceable blades. This proposed AD is prompted by reports of these composite propeller blades found at inspection, with random areas of missing adhesive under the compression wrap, which exposed the steel tulip part of the blade. We are proposing this AD to prevent propeller blade failure due to corrosion-induced fatigue, which could result in blade separation and possible loss of airplane control.

DATES: We must receive any comments on this proposed AD by February 2, 2004.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD:

- By mail: Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003-NE-48-AD, 12 New England Executive Park, Burlington, MA 01803-5299.
- By fax: (781) 238-7055.
- By e-mail: 9-ane-adcomment@faa.gov.

You can get the service information identified in this proposed AD from Hamilton Sundstrand, A United Technologies Company, Publications Manager, Mail Stop 2AM-EE50, One Hamilton Road, Windsor Locks, CT 06096.

You may examine the AD docket, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT:

Frank Walsh, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7158; fax (781) 238-7170.

SUPPLEMENTARY INFORMATION:**Comments Invited**

We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. 2003-NE-48-AD" in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. If a person contacts us verbally, and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We are reviewing the writing style we currently use in regulatory documents. We are interested in your comments on whether the style of this document is clear, and your suggestions to improve the clarity of our communications that affect you. You can get more information about plain language at <http://www.faa.gov/language> and <http://www.plainlanguage.gov>.

Examining the AD Docket

You may examine the AD Docket (including any comments and service information), by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. See **ADDRESSES** for the location.

Discussion

The manufacturer has recently notified us that while investigating corrosion indications on some blade tulip counterweight areas of 568F composite propeller blades, random areas of missing adhesive under the compression wrap were discovered, exposing the steel tulip part of the blade. This missing adhesive is determined to be the result of a manufacturing operation designed to remove resin flashing from this area of the blade interface, during original manufacture. The manufacturer has implemented a corrective action in the

manufacturing process for new blades, beginning with blade SN 20021011, and higher. Upon further investigation, the manufacturer has identified two serial number groups of blades that are suspect for missing adhesive. They are 568F propeller blades, P/Ns R815505-3 and R815505-4, SNs FR1699 through FR2625 inclusive (877 blades), and SNs FR20010610 through FR20021010 inclusive (713 blades).

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 products of this same type design. Therefore, we are proposing this AD, which would require replacement of propeller blades, P/Ns R815505-3 and R815505-4, that have a SN of FR1699 to FR20021010, with serviceable blades. A calendar-based schedule has been established for the removal of blades based on a safety evaluation of the blade population. The schedule takes into consideration the age of the blade, availability of spare blades and the repair capabilities necessary to restore removed blades to a serviceable condition. Since corrosion is an age-related process, the oldest blades are to be replaced first. In addition, the specialized tooling necessary to remove and replace the composite material on the blade during repair is only available at one repair facility. The calendar-based schedule provides airplane owners and operators with compliance dates to accommodate scheduling for blade removal within the safety evaluation.

Changes to 14 CFR Part 39—Effect on the Proposed AD

On July 10, 2002, we issued a new version of 14 CFR part 39 (67 FR 47998, July 22, 2002), which governs the FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

We estimate that 24 Hamilton Sundstrand Corporation 568F propellers with suspect blades installed on airplanes of U.S. registry, would be affected by this proposed AD. We also estimate that it would take approximately 8 work hours per airplane to remove and replace suspect blades, and that the average labor rate is \$65 per work hour. Based on these

figures, we estimate the total labor cost of the proposed AD to U.S. operators to be \$6,240.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this proposal and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "AD Docket No. 2003-NE-48-AD" in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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. The FAA amends § 39.13 by adding the following new airworthiness directive:

Hamilton Sundstrand Corporation
(formerly Hamilton Standard Division):
Docket No. 2003-NE-48-AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by February 2, 2004.

Affected ADs

- (b) None.

Applicability

(c) This AD applies to Hamilton Sundstrand Corporation (formerly Hamilton Standard Division) 568F propellers with propeller blades, part numbers (P/Ns) R815505-3 and R815505-4, serial numbers (SNs) FR1699 through FR2625 inclusive (877 blades), and SNs FR20010610 through FR20021010 inclusive (713 blades), installed. These composite propeller blades are installed on, but not limited to, Aerospatiale ATR42-400, ATR42-500, ATR72-212, and ATR72-500 airplanes.

Unsafe Condition

(d) This AD is prompted by reports of propeller blades found at inspection, with random areas of missing adhesive under the

compression wrap, which exposed the steel tulip part of the blade. We are issuing this AD to prevent propeller blade failure due to corrosion-induced fatigue, which could result in blade separation and possible loss of airplane control.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

Removal From Service of Affected Propeller Blades

(f) Remove propeller blades, P/Ns R815505-3 and R815505-4 from service as follows:

(1) Blades listed by SN in the following Table 1 of this AD must be removed no later than the date listed in Table 1 of this AD. See Table 2 of this AD for blade SNs that are excluded from the compliance times specified in Table 1 of this AD.

(2) Remove the blades that are listed by SN in Table 2 of this AD no later than December 31, 2007.

(3) In some instances an "RT" reference immediately follows the numeric portion of the serial number on the blade. For purposes of this AD, the "RT" reference has been omitted when specifying affected serial numbers.

TABLE 1.—PROPELLER BLADE REMOVAL SCHEDULE

For propeller blades SNs:	Remove propeller blades from service for rework, no later than:
FR1699 through FR1765	December 31, 2003.
FR1766 through FR1776	March 31, 2004.
FR1777 through FR1855	June 30, 2004.
FR1856 through FR1956	September 30, 2004.
FR1957 through FR2132	December 31, 2004.
FR2133 through FR2230	March 31, 2005.
FR2231 through FR2315	June 30, 2005.
FR2316 through FR2390	September 30, 2005.
FR2391 through FR2433	December 31, 2005.
FR2434 through FR2553	March 31, 2006.
FR2554 through FR2625	June 30, 2006.
FR20010610 through FR20010729	June 30, 2006.
FR20010730 through FR20011018	September 30, 2006.
FR20011019 through FR20011218	December 31, 2006.
FR20011219 through FR20020511	March 31, 2007.
FR20020512 through FR20020757	June 30, 2007.
FR20020758 through FR20020842	September 30, 2007.
FR20020843 through FR20021010	December 31, 2007.

TABLE 2.—BLADE SNs EXCLUDED FROM TABLE 1

FR1720	FR1887	FR1962	FR2163
FR1740	FR1888	FR1963	FR2164
FR1742	FR1889	FR2013	FR2165
FR1752	FR1892	FR2022	FR2166
FR1777	FR1893	FR2032	FR2167
FR1791	FR1927	FR2037	FR2168
FR1796	FR1928	FR2038	FR2173
FR1841	FR1929	FR2039	FR2177
FR1843	FR1930	FR2047	FR2179
FR1858	FR1931	FR2058	FR2180
FR1860	FR1932	FR2059	FR2183
FR1865	FR1933	FR2060	FR2204
FR1869	FR1934	FR2063	FR2205
FR1871	FR1935	FR2064	FR2206
FR1872	FR1936	FR2067	FR2207
FR1873	FR1937	FR2068	FR2208
FR1874	FR1938	FR2099	FR2233
FR1875	FR1942	FR2108	FR2234
FR1877	FR1943	FR2134	FR2467
FR1878	FR1957	FR2135	FR20010626
FR1879	FR1960	FR2136	FR20010936
FR1880	FR1961	FR2137	FR20011218

Installation of Propeller Blades That Have a SN Listed in Table 1 or Table 2 of This AD

(g) After the effective date of this AD, do not install any blade that has P/N R815505-

3 or R815505-4 and SN listed in Table 1 or Table 2 of this AD, and that has exceeded the date for replacement.

Alternative Methods of Compliance

(h) The Manager, Boston Aircraft Certification Office, has the authority to approve alternative methods of compliance

for this AD if requested using the procedures found in 14 CFR 39.19.

Related Information

(i) Hamilton Sundstrand Service Bulletin No. 568F-61-A45, Revision 1, dated October 7, 2003, provides information to rework and remark the affected blades for return to service.

Issued in Burlington, Massachusetts, on November 24, 2003.

Jay J. Pardee,

Manager, Engine and Propeller Directorate,
Aircraft Certification Service.

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DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 7 and 25

[Notice No. 23; Re: Notice Nos. 4 and 10]

RIN 1513-AA11

Flavored Malt Beverages and Related Proposals; Posting of Comments Received on the TTB Internet Web Site

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB), Treasury.

ACTION: Notice of proposed rulemaking; modification to conditions for posting of comments on the TTB Internet Web site.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau announces that all comments submitted in response to Notice No. 4, Flavored Malt Beverages and Related Proposals, published in the *Federal Register* on March 24, 2003, will be posted on our Internet Web site with the commenter's street address, telephone number, and e-mail address included, unless the commenter requests within the next 3 weeks that such information be removed from the posted comment.

DATES: If you commented on Notice No. 4 published in the *Federal Register* on March 24, 2003 (68 FR 14292), you have until December 23, 2003 to request removal of any street address, telephone number, or e-mail address from the posted comment.

ADDRESSES: You may contact us at the following addresses to request the removal of any street address, telephone number, or e-mail address from your comment on Notice No. 4. Please include information to identify your original comment and reference "Notice No. 4—I.D. Removal" in the subject line of your request.

• Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and

Trade Bureau, P.O. Box 50221,
Washington, DC 20091-0221;

- 202-927-8525 (facsimile); or
- nprm@ttb.gov (e-mail).

You may view copies of this notice, Notices No. 4 and 10, and any comments received concerning Notice No. 4 by appointment at our Reference Library, 1350 G Street NW., Washington, DC 20005; phone 202-927-8210. Copies of this notice and Notices No. 4 and 10 are currently posted on our Internet Web site at <http://www.ttb.gov>. We will post copies of the comments received in response to Notice No. 4 on our Web site as soon as practicable.

See the "Submitting Requests for Removal of Address Information" section of this notice for specific instructions and requirements for submitting your request to remove identifying addresses, telephone numbers, and e-mail addresses from the posted version of your comment.

FOR FURTHER INFORMATION CONTACT:

Charles N. Bacon, Alcohol and Tobacco Tax and Trade Bureau, Regulations and Procedures Division, P.O. Box 5056, Beverly Farms, MA 01915; telephone 978-921-1840.

SUPPLEMENTARY INFORMATION:

Notice No. 4 and Internet Posting of Comments Received

On March 24, 2003, the Alcohol and Tobacco Tax and Trade Bureau published Notice No. 4, a notice of proposed rulemaking entitled "Flavored Malt Beverages and Related Proposals" (see 68 FR 14292). We later extended the comment period for Notice No. 4 until October 21, 2003 (see Notice No. 10, 68 FR 32698, June 2, 2003).

In Notice No. 4 we advised the public that comments made in response to the notice and the names of commenters were not confidential, and were subject to public disclosure in our reference library and in the preamble of any final rulemaking on flavored malt beverages. Notice No. 4 added that we would post copies of the comments received on the TTB Internet Web site at <http://www.ttb.gov>. Notice No. 4 also included the following statement:

All comments posted on our Web site will show the name of the commenter but will not show street addresses, telephone numbers, or e-mail addresses.

Notice No. 4 noted that "in all cases" the full comments would be available in our reference library. We used similar language in all of our notices of proposed rulemaking published before October 1, 2003.

In response to Notice No. 4, we have received approximately 14,700 comments. Of that total, we received

about 9,900 e-mail comments and about 4,800 comment letters by mail or facsimile transmission. In contrast, other TTB notices of proposed rulemaking issued during 2003 generated an average of less than 20 comments each. The unusually large number of comments received on Notice No. 4 has made it difficult to remove all street addresses, telephone numbers, and e-mail addresses from the comments for posting on our Internet Web site in a timely manner.

Therefore, to ensure that the public has Internet access to the thousands of comments received on Notice No. 4 at the earliest practicable time, we will post comments received on that notice on our Web site in full, including any street addresses, telephone numbers, or e-mail addresses contained in the comments.

However, since commenters may have responded to Notice No. 4 with the understanding that their street addresses, telephone numbers, and e-mail addresses would not be posted on the TTB Web site, we will remove any such information from a posted comment if the original, individual commenter contacts us on or before December 23, 2003. As noted earlier, the full comment, including any street addresses, telephone numbers, or e-mail addresses within the comment is subject to public disclosure and will remain available for public viewing in our reference library.

Submitting Requests for Removal of Address Information

We will only accept requests to remove street addresses, telephone numbers, and e-mail addresses from the posted version of a comment on Notice No. 4 from the original, individual commenter. We will not accept such requests from an organization or company on behalf of a group of individual commenters.

In your request to remove such information from the posted version of your comment on Notice No. 4, please include information that will allow us to identify your original comment. For example, your request should include your name, address, date of your original comment, and the name of any letterhead your original comment was written on. In all cases, please reference "Notice No. 4—I.D. Removal" in the subject line of your request.

You may submit your request to remove any street address, telephone number, and e-mail address from your original comment on Notice No. 4 by one of these methods: