

USDA/AMS/TM/NOP, Room 2510-So., Ag Stop 0268, P.O. Box 96456, Washington, D.C. 20090-6456. Phone: 202/720-3252. Fax: 202/205-7808. E-mail: beth.hayden@usda.gov.

FOR FURTHER INFORMATION CONTACT:

Keith Jones, Program Manager, National Organic Program, USDA/AMS/TM/NOP, Room 2945-So., Ag Stop 0268, P.O. Box 96456, Washington, D.C. 20090-6456. Phone: 202/720-3252. Fax: 202/690-3924. E-mail: keith.jones@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

AMS is responsible for implementing 7 U.S.C. 6515 (e)(2). This section of the OFPA requires private certifying agents to furnish reasonable security, in an amount determined by the Secretary, for the purpose of protecting the rights of participants (customers) in an organic certification program established under the NOP. Historically, the National Organic Standards Board (NOSB) recommends regulations that will benefit the organic industry. When the NOSB considered the issue of reasonable security as proposed in the March 13, 2000, proposed rule, 65 FR 13512-13658, (2000), they recommended that the criteria used to determine the amount and type of security required should be affordable and explicitly defined with particular regard for the diverse size and economics of various regional certifiers and operations being certified. Additionally, the Senate Committee Report on the OFPA (Senate Committee Report, Food, Agriculture, Conservation and Trade Act of 1990, Title XVI, pg. 294-295) states, "It is not the Committee's intention that the Department establish security deposits that are so high as to cause the elimination of private certifying agents."

AMS reviewed many financial instruments to determine the type and value of security a certifying agent might need based on its business structure and customer base. For example, an agent operating a small, not-for-profit operation for clients who primarily sell directly to consumers may have fewer and smaller liability requirements than an agent with numerous clients who sell to large food processors or who export product.

AMS also interviewed current certifying agents and concluded that many of the 36 known private certifying agents carry liability insurance to protect themselves against claims from the public or their employees in the course of their business activities. For example, some certifying agents must

provide evidence of liability coverage in order to sell their products to food processors. However, under certain state laws, not-for-profit certifying agents may be exempt from legal actions that would normally require a prudent businessperson to carry liability insurance. In some cases, certifying agents request that their clients sign a liability waiver and therefore do not carry liability insurance.

After reviewing the options for assessing reasonable security and the current industry information on this issue, however, the NOP decided to seek additional public input on what amount and type of reasonable security is best for protecting the rights of NOP participants.

This action has been determined not significant and not subject to review by the Office of Management and Budget under Executive Order 12866.

Issues for Public Comment

AMS is soliciting comments on all aspects of reasonable security and protection of the rights of program participants. We request comments from any interested parties, including producers and handlers of organic agricultural products, certifying agents, importers and exporters, the international community and any other person or group. The following questions are provided to facilitate public comment on this advanced notice of proposed rulemaking. Comments addressing other relevant issues also may be submitted.

1. From what risks or events might a customer of a private certifying agent require reasonable security?

2. What are the financial instrument(s) that could provide the reasonable security to protect customers from these events?

3. What dollar amounts of security would give reasonable protection to a customer of a private certifying agent?

4. What are the financial costs to private certifiers, especially small certifiers, of providing reasonable security?

5. Do the risk or events provided in response to Question #1 necessarily require financial compensation?

6. Are there situations where reasonable security is not needed?

A thirty day comment period is provided for interested persons to comment on this advance notice of proposed rulemaking. This time period is deemed appropriate given the need to publish a final NOP rule by the end of the calendar year.

After comments to this notice are received and analyzed, AMS intends to publish a proposed rule in the **Federal**

Register. The public will once again be invited to submit comments. The proposed rule will include the proposed regulation, an explanation of our decision making process, an analysis of the costs and benefits, the effects on small businesses, and an estimate of the paperwork burden imposed by the rule.

Authority: 7 U.S.C. 6501-6522.

Dated: August 3, 2000.

Sharon Bomer Lauritsen,

Acting Deputy Administrator, Transportation and Marketing.

[FR Doc. 00-20062 Filed 8-8-00; 8:45 am]

BILLING CODE 3410-02-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-SW-11-AD]

Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) for Bell Helicopter Textron Canada (BHTC) Model 430 helicopters. This proposal would require calibration of the fuel quantity indicating system. This proposal is prompted by an operator report of an inaccurate fuel quantity indicating system. The actions specified by the proposed AD are intended to prevent an inaccurate fuel quantity indicating system reading, engine flameout due to fuel starvation, and a subsequent forced landing.

DATES: Comments must be received on or before October 10, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000-SW-11-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at 9-asw-adcomments@faa.gov. Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bell Helicopter Textron Canada, 12,800

Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 463-3036, fax (514) 433-0272. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Paul Madej, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Standards Staff, Fort Worth, Texas 76193-0111, telephone (817) 222-5125, fax (817) 222-5961

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 should identify the Rules Docket number and be mailed 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 notice may be changed in light of the comments received.

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 mailed comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2000-SW-11-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, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000-SW-11-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

Transport Canada, the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on BHTC Model 430 helicopters. Transport Canada advises of the potential for an

error in the fuel quantity indicating system.

BHTC has issued Bell Helicopter Textron Alert Service Bulletin No. 430-99-13, dated December 13, 1999 (ASB), which introduces a new fuel quantity indicating system calibration procedure to provide increased accuracy for the fuel quantity indicating system. Transport Canada classified this ASB as mandatory and issued AD No. CF-2000-04, dated February 8, 2000, to ensure the continued airworthiness of these helicopters in Canada.

This helicopter model is manufactured in Canada 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. Pursuant to this bilateral airworthiness agreement, Transport Canada has kept the FAA informed of the situation described above. The FAA has examined the findings of the Transport Canada, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

We have identified an unsafe condition that is likely to exist or develop on other BHTC Model 430 helicopters of the same type design registered in the United States. The proposed AD would require calibrating the fuel quantity indicating system installed in helicopters with a serial number (S/N) 49001 through 49059. The actions would be required to be accomplished in accordance with the ASB described previously.

The FAA estimates that 50 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$6,000.

The regulations proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this 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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting 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.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 a new airworthiness directive to read as follows:

Bell Helicopter Textron Canada: Docket No. 2000-SW-11-AD.

Applicability: Model 430 helicopters, serial numbers 49001 through 49059, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required at the next scheduled fuel system calibration or at the next annual inspection, whichever occurs first, unless accomplished previously.

To prevent an inaccurate fuel quantity indicating system reading, engine flameout due to fuel starvation, and a subsequent forced landing, accomplish the following:

(a) Calibrate the fuel quantity indicating system in accordance with steps 1 through 21 of the Accomplishment Instructions, Bell Helicopter Textron Alert Service Bulletin No. 430-99-13, dated December 13, 1999 (ASB).

(b) Insert BHT-430-MM-10, Chapter 95, Revision 2, dated December 10, 1999, into the Maintenance Manual.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in Transport Canada (Canada) AD No. CF-2000-04, dated February 8, 2000.

Issued in Fort Worth, Texas, on August 1, 2000.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00-20184 Filed 8-8-00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-SW-22-AD]

Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) for Bell Helicopter Textron Canada (BHTC) Model 430 helicopters. This proposal would require modifying the electrical system. This proposal is prompted by the loss of electrical power due to design deficiencies discovered during single-pilot Instrument Flight Rules (IFR) flight testing. The actions specified by the proposed AD are intended to prevent loss of electrical power and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before October 10, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region,

Attention: Rules Docket No. 2000-SW-22-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov. Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert McCallister, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193-0110; telephone (817) 222-5121, fax (817) 222-5961.

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 should 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 notice may be changed in light of the comments received.

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 mailed comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2000-SW-22-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, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000-SW-22-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

Transport Canada, the airworthiness authority for Canada, notified the FAA

that an unsafe condition may exist on BHTC Model 430 helicopters. Transport Canada advises that an evaluation during the single-pilot IFR evaluation of the electrical system revealed several areas that did not comply with the Canadian Aviation Regulations.

BHTC has issued Bell Helicopter Textron Alert Service Bulletin No. 430-99-10, dated December 16, 1999 (ASB), which specifies implementing electrical power distribution system improvements at the next annual (600-hour) inspection but not later than December 31, 2000. Transport Canada classified this ASB as mandatory and issued AD No. CF-2000-08, dated March 21, 2000, to ensure the continued airworthiness of these helicopters in Canada.

This helicopter model is manufactured in Canada and is type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

We have identified an unsafe condition that is likely to exist or develop on other BHTC Model 430 helicopters of the same type design registered in the United States. The proposed AD would require implementing the following electrical system changes in accordance with the ASB:

- Modify the electrical bus distribution system to include emergency, essential and nonessential busses. Relocate electrical system circuit breakers accordingly.
- Add a second redundant aircraft DC power supply with associated circuit breaker for each full authority digital engine control electronic control unit.
- Modify AC inverter switching logic to prevent inadvertent loss of AC power.
- Modify electrical bonding of the DC generator ground circuits by increasing the size of the hardware securing the ground shunt bus bar to the airframe structure.

The FAA estimates that 3 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 140 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. The manufacturer states in the ASB that they will provide the 100 percent warranty credit for the parts and will allow a maximum