

7 CFR Part	Marketing Area	AO Nos.
1005	Appalachian	AO-388-A13
1006	Florida	AO-356-A36
1007	Southeast	AO-366-A42
1030	Upper Midwest	AO-361-A37
1032	Central	AO-313-A46
1033	Midwest	AO-166-A70
1124	Pacific Northwest	AO-368-A33
1126	Southwest	AO-231-A66
1131	Arizona-Las Vegas	AO-271-A38
1135	Western	AO-380-A20

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

**ACTION:** Proposed rule; correction.

**SUMMARY:** The Agricultural Marketing Service is correcting the proposed rule that appeared in the **Federal Register** on September 8, 2003 (68 FR 52860), which gave notice of a public hearing to be held to consider proposals to amend the Northeast and other Federal milk marketing orders. The document was published with errors in the regulatory text of proposed amendments to § 1000.40 that would reclassify milk used to produce evaporated or sweetened condensed milk in a consumer-type package from Class III to Class IV. This docket corrects these errors.

**FOR FURTHER INFORMATION CONTACT:** Antoinette M. Carter, Marketing Specialist, Order Formulation and Enforcement, USDA/AMS/Dairy Programs, Room 2971—Stop 0231, 1400 Independence Avenue, SW., Washington, DC 20250-0231, (202) 690-3465, e-mail address: [Antoinette.Carter@usda.gov](mailto:Antoinette.Carter@usda.gov).

**SUPPLEMENTARY INFORMATION:** A notice of hearing was published in the **Federal Register** on September 8, 2003 (68 FR 52860), containing four proposals to be considered at a public hearing scheduled to begin on October 21, 2003. As published, the regulatory text included in proposals one and two of the notice of hearing does not reflect amendments that became effective April 1, 2003, in all 11 Federal milk marketing orders revising the Class III and Class IV pricing formulas. Accordingly, the errors contained in proposals one and two of the notice of hearing are misleading and need clarification.

1. On page 52862 under “Proposal No. 1”, first column, § 1000.40, paragraph (d)(1)(i) is corrected to read as follows:

**§ 1000.40 Classes of utilization.**

- \* \* \* \* \*
- (d) \* \* \*
- (1) \* \* \*
- (i) Butter;
- \* \* \* \* \*

2. On page 52862 under “Proposal No. 2”, first column, § 1000.40, paragraph (d)(1)(i) is corrected to read as follows:

**§ 1000.40 Classes of utilization.**

- \* \* \* \* \*
- (d) \* \* \*
- (1) \* \* \*
- (i) Butter;
- \* \* \* \* \*

**Authority:** 7 U.S.C. 601-674.

Dated: October 9, 2003.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 03-26178 Filed 10-15-03; 8:45 am]

**BILLING CODE 3410-02-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2003-NE-44-AD]

**RIN 2120-AA64**

**Airworthiness Directives; Hartzell Propeller Inc. Models HC-B5MP-3C/M10876K Propellers**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede an existing airworthiness directive (AD) for Hartzell Propeller Inc. Model HC-B5MP-3C/M10876K propellers, installed on Short Brothers Model SD3-60 airplanes. That AD currently requires initial and repetitive removal, disassembly, inspection, and rework if necessary of Hartzell Propeller Inc. Model HC-B5MP-3C/M10876K propellers until blades are replaced with new design blades, no later than March 31, 1988. This proposed AD would require installation of new design blades before further flight, on Hartzell Propeller Inc. Models HC-B5MP-3C/M10876K propellers. This proposed AD is prompted by a review of all currently

effective ADs. That review determined that AD 87-16-02 was not published in the **Federal Register** to make it effective to all operators, as opposed to just the operators who received actual notice of the original AD. We are proposing this AD to prevent propeller blade separation near the hub, which could result in engine separation from the airplane.

**DATES:** We must receive any comments on this proposed AD by December 15, 2003.

**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-44-AD, 12 New England Executive Park, Burlington, MA 01803-5299.
- By fax: (781) 238-7055.
- By e-mail: [9-ane-adcomment@faa.gov](mailto:9-ane-adcomment@faa.gov).

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:** Melissa Bradley, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone: (847) 294-8110; fax: (847) 294-7834.

**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-44-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 may 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

On July 31, 1987, the FAA issued Priority Letter AD 87-16-02. That AD requires initial and repetitive removal, disassembly, inspection, and, if necessary, rework of Hartzell Propeller Inc. Models HC-B5MP-3C/M10876K propellers until the existing blades are replaced with new design blades. That AD requires replacement of the existing blades with new design blades by March 31, 1988. That action was prompted by reports of fatigue cracks and corrosion in propeller blades. That condition, if not corrected, could result in propeller blade separation near the hub, which could result in separation of the engine from the airplane.

#### Actions Since AD 87-16-02 Was Issued

Since that AD was issued, we have reviewed all currently effective ADs. We found that Priority Letter AD 87-16-02 was not published in the **Federal Register** to make it effective to all operators, as opposed to just the operators who received the original AD. We anticipate that all affected propellers have the new design blades installed. However, we are issuing this proposed rule to ensure that all affected propellers are updated with new design propeller 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 installation of new design blades before further flight, on Hartzell Propeller Inc. Models HC-B5MP-3C/M10876K propellers.

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

On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, 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 anticipate that all affected propellers have complied with Priority Letter AD 87-16-02 and have the new design blades installed. Therefore, we estimate the total cost of the proposed AD to U.S. operators to be \$0. However, if replacement of the blades is necessary, we estimate that it would take about 25 work hours per propeller to perform the proposed actions, and that the average labor rate is \$65 per work hour. Required parts would cost about \$4,300 per propeller blade. Based on these figures, we estimate the total cost of the proposed AD per propeller would be \$23,125.

#### 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-44-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 a new airworthiness directive, to read as follows:

**Hartzell Propeller Inc.:** Docket No. 2003-NE-44-AD. Supersedes Priority Letter AD 87-16-02.

#### Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by December 15, 2003.

#### Affected ADs

(b) This AD supersedes Priority Letter AD 87-16-02.

#### Applicability

(c) This AD applies to Hartzell Propeller Inc. Model HC-B5MP-3C/M10876K propellers. These propellers are installed on, but not limited to, Short Brothers Model SD3-60 airplanes.

#### Unsafe Condition

(d) This AD is prompted a review of all currently effective ADs. That review determined that AD 87-16-02 was not published in the **Federal Register** to make it effective to all operators, as opposed to just the operators who received actual notice of the original AD. We are issuing this AD to prevent propeller blade separation near the hub, which could result in engine separation from the airplane.

#### 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.

#### Required Actions

(f) Before further flight, replace propeller blades Model M10876K with blades Model M10876ASK.

(g) After the effective date of this AD, do not install propeller blades Model M10876K on any airplane.

#### Alternative Methods of Compliance

(h) The Manager, Chicago 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.

**Material Incorporated by Reference**

(i) None.

**Related Information**

(j) None.

Issued in Burlington, Massachusetts, on October 8, 2003.

**Francis A. Favara,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 03-26118 Filed 10-15-03; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 301**

[REG-141669-02]

RIN 1545-BB41

**Waiver of Information Reporting Penalties-Determining Whether Correction Is Prompt**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking.

**SUMMARY:** This document provides notice of cancellation of a public hearing on proposed regulations providing guidance on the requirement of prompt correction of the failure to file or file correctly.

**DATES:** The public hearing originally scheduled for Tuesday, October 21, 2003, at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Treena Garrett of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration), (202) 622-3401 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Wednesday, July 9, 2003, (68 FR 40857), announced that a public hearing was scheduled for Tuesday, October 21, 2003, at 10 a.m. in the Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under sections 6721 and 6724 of the Internal Revenue Code. The public comment period for these proposed regulations expired on Tuesday, October 7, 2003. Outlines of oral comments were due on Tuesday, September 30, 2003.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the

public hearing to submit an outline of the topics to be addressed. As of Friday, October 10, 2003, no one has requested to speak. Therefore, the public hearing scheduled for Tuesday, October 21, 2003, is cancelled.

**LaNita Van Dyke,**

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. 03-26216 Filed 10-15-03; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 17**

RIN 2900-AL49

**Copayments for Extended Care Services**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** We propose to amend VA's medical regulations by modifying provisions regarding the methodology of computing copayments for extended care services provided to veterans. This proposal enhances the protection of veterans' spouses by not counting certain assets as available resources for computing these copayments. Other non-substantive changes are proposed for purposes of clarification.

**DATES:** Comments must be received on or before December 15, 2003.

**ADDRESSES:** Mail or hand-deliver written comments to: Director, Regulations Management (00REG1), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1068, Washington, DC 20420; or fax comments to (202) 273-9026; or e-mail comments to [OGCRegulations@mail.va.gov](mailto:OGCRegulations@mail.va.gov). Comments should indicate that they are submitted in response to "RIN 2900-AL49." All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 273-9515 for an appointment.

**FOR FURTHER INFORMATION CONTACT:** Donna Canada, Chief Business Office (161), at (202) 254-0324 and Daniel Schoeps, Geriatrics and Extended Care (114), at (202) 273-8540. Both are officials in the Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420. (These are not toll free numbers.)

**SUPPLEMENTARY INFORMATION:** We propose to amend VA's medical

regulations at 38 CFR 17.111 concerning the computation of copayments for extended care services provided to veterans either directly by VA or obtained by contract. These copayments were established under the Veterans Millennium Health Care and Benefits Act (Pub. L. 106-117) and codified at 38 U.S.C. 1710B(c).

This proposed rule enhances and clarifies the mechanism for calculating the copayment amount. The statute set forth at 38 U.S.C. 1710B(d)(2) provides:

The Secretary shall develop a methodology for establishing the amount of the copayment for which a veteran [receiving extended care services] is liable. That methodology shall provide for—

(A) establishing a maximum monthly copayment (based on all income and assets of the veteran and the spouse of such veteran);

(B) protecting the spouse of a veteran from financial hardship by not counting all of the income and assets of the veteran and spouse (in the case of a spouse who resides in the community) as available for determining the copayment obligation; and

(C) allowing the veteran to retain a monthly personal allowance.

Under the current rule, a veteran is obligated to pay the copayment only if the veteran and the veteran's spouse have available resources. Available resources means the sum of the value of the liquid assets, fixed assets, and income of the veteran and the veteran's spouse minus the sum of the veteran allowance and the spousal allowance. Liquid assets and fixed assets are included in the calculations only if the veteran has been receiving extended care services for 181 days or more. Expenses are included in the veterans allowance calculations only if the veteran has been receiving extended care services for 180 days or less, the veteran is receiving only adult day health care or other noninstitutional care, or the veteran has a spouse or dependent residing in the community who is not institutionalized. These formulas are designed to allow the veteran, the veteran's spouse, and the veteran's dependents minimum amenities while allowing them to retain some of their possessions to help them maintain, to a degree, their standard of living. Also, these formulas are intended to help ensure that veterans institutionalized for 180 days or less would have the means to return home if their medical condition permits.

The current regulation has different provisions on what is included in "available resources" depending on whether or not the veteran has been receiving extended care services for more than 180 days. We propose to clarify the provisions by which we