

broker to have all licenses and permits required by the state in which it operates, and to have a written contract with a processor to purchase processing tomatoes on behalf of the processor and to deliver such tomatoes to the processor. Additionally, the proposed rule allows Special Provision statements to provide a replant payment amount that more adequately reflects the regional cost of replanting tomatoes. The replant payment amount remains limited to the producer's actual costs as provided in the Basic Provisions.

List of Subjects in 7 CFR Part 457

Crop insurance, processing tomatoes, reporting and record keeping requirements.

Proposed Rule

Accordingly, for the reasons set forth in the preamble, the Federal Crop Insurance Corporation proposes to amend 7 CFR part 457 Common Crop Insurance Regulations effective for the 2005 and succeeding crops years, to read as follows:

PART 457—COMMON CROP INSURANCE REGULATIONS

1. The authority citation for 7 CFR part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(1), and 1506(p).

2. Amend 457.160 as follows:

- a. Revise the heading and the introductory text.
- b. Amend section 1 by adding a definition for "broker".
- c. Amend section 1 by revising the definition of "processor contract".
- d. Revise section 8(c).
- e. Revise section 12(b).

The revisions read as follows:

§ 457.160 Processing tomato crop insurance provisions.

The Processing Tomato Crop Insurance Provisions for the 2005 and succeeding crop years are as follows:

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1. Definitions

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Broker. An enterprise in the business of selling and buying tomatoes possessing all the licenses and permits required by the state in which it operates, and that has a written contract with a processor to purchase processing tomatoes on behalf of the processor and to deliver such tomatoes to the processor.

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Processor contract. A written agreement between the producer and a processor, or between the producer and a broker, containing at a minimum:

(a) The producer's commitment to plant and grow processing tomatoes, and to deliver the tomato production to the processor or broker;

(b) The processor's, or broker's, commitment to purchase all the production stated in the processor contract; and

(c) A price per ton that will be paid for the production.

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8. Insured Crop

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(c) A tomato producer who is also a processor or broker may establish an insurable interest if the following requirements are met:

(1) The processor or broker, as applicable, must comply with these Crop Provisions;

(2) Prior to the sales closing date, the Board of Directors or officers of the processor or the broker must execute and adopt a resolution that contains the same terms as an acceptable processor contract. (Such resolution will be considered a processor contract under this policy); and

(3) As applicable, our inspection reveals that the processing facilities comply with the definition of a processor contained in these Crop Provisions.

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12. Replanting Payment

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(b) The maximum amount of the replanting payment per acre will be determined as follows:

(1) the amount if shown on the Special Provisions; or

(2) if an amount is not contained in the Special Provisions, the lesser of 20 percent of the production guarantee or three tons, multiplied by your third stage (final) price election, multiplied by your share; and

(3) in no event will the replanting payment per acre exceed your actual cost of replanting.

* * * * *

Signed in Washington, DC, on November 4, 2003.

Ross J. Davidson,
Manager, Federal Crop Insurance Corporation.

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FEDERAL ELECTION COMMISSION

11 CFR Parts 110, 113, 9004, and 9034

[Notice 2003-21]

Mailing Lists of Political Committees

AGENCY: Federal Election Commission.

ACTION: Notice of disposition; termination of rulemaking.

SUMMARY: On September 4, 2003, the Commission issued a Notice of Proposed Rulemaking seeking comment on proposed rules that addressed the rental, sale, and exchange of political committee mailing lists, and the treatment and use of proceeds from such transactions. The Commission is not amending its current rules and is terminating this rulemaking at this time for several reasons, including the lack of perceived need by political committees for guidance beyond what has been presented in Commission advisory opinions. Further information is provided in the supplementary information that follows.

FOR FURTHER INFORMATION CONTACT: Ms. Mai T. Dinh, Acting Assistant General Counsel, or Mr. Jonathan M. Levin, Senior Attorney, 999 E Street, NW., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: On September 4, 2003, the Commission issued a Notice of Proposed Rulemaking ("NPRM"), 68 FR 52531 (Sept. 4, 2003). The proposed rules would have set forth the conditions under which the proceeds from the sale, rental, or exchange of a political committee's mailing list would not be contributions to that political committee. The proposed rules would also have prohibited the conversion of an authorized committee's mailing list, or any proceeds from the rental or sale of the list, to the personal use of the candidate or any other person. In addition, the proposed rules would have addressed the sale or rental of mailing lists owned by the authorized committee of a publicly funded presidential candidate. The NPRM sought comments on these rules generally and asked for comments as to specific aspects of mailing list transactions. In particular, the Commission asked for comment on whether the final rules should list specific factors to determine the usual and normal charge for the mailing lists involved in the transactions, and what those factors should be.

The Commission received nine comments in response to the NPRM. These were from: (1) Charles R. Spies on behalf of the Republican National Committee; (2) Stephen M. Hoerstring on behalf of the National Republican Senatorial Committee; (3) Donald F. McGahn II, on behalf of the National Republican Congressional Committee; (4) Joseph E. Sandler and Robert F. Bauer on behalf of the Democratic National Committee, the Democratic

Senatorial Campaign Committee, and the Democratic Congressional Campaign Committee; (5) William W. Hall, on behalf of the Libertarian National Committee; (6) Lawrence Noble and Paul Sanford on behalf of the Center for Responsive Politics and FEC Watch; (7) Glen Shor on behalf of the Campaign Legal Center; (8) Lisa J. Danetz on behalf of the National Voting Rights Institute; and (9) the law firm of Ryan, Phillips, Utrecht & MacKinnon. At the public hearing on October 1, 2003, testimony was given by Messrs. Bauer, Hoersting, Shor, McGahn, and Spies, and Marc E. Elias of Perkins, Coie, LLP. The Commission received no written comments or testimony from list brokers or other persons whose business primarily involves the sale or leasing of mailing lists. Copies of the comments and the transcript of the hearing are available on the Commission's Web site at www.fec.gov.

On November 6, 2003, the Commission voted to close the rulemaking on mailing lists of political committees. The Commission made this decision for several reasons. The written comments and oral testimony of a number of the commenters indicate that the regulated community does not perceive a need for further regulation of political committee mailing list transactions. In general, a number of the commenters believe that Commission advisory opinions, particularly Advisory Opinion 2002-14 (issued with respect to the rental of mailing lists of the Libertarian National Committee to other entities), have provided clear enough guidance on the conditions under which the proceeds from the sale or rental of mailing lists are not considered contributions to the political committee. The commenters expressed broad opposition to the proposed rules and questioned the need for such rules at this time.

In addition, a number of commenters asserted that there are a significant number of factors that must be considered in determining the usual and normal charge and whether the transaction is commercially reasonable. As several commenters stated, appropriate factors may vary considerably depending upon the circumstances. Because the Commission is not currently in possession of a factual record adequate to conclude that a particular test is sufficiently flexible and comprehensive to address all circumstances to which the proposed rules would apply, the Commission has decided not to proceed with final rules at this time, and to terminate this rulemaking.

Dated: November 7, 2003.

Bradley A. Smith,

Vice Chairman, Federal Election Commission.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002-NM-330-AD]

RIN 2120-AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB-135 and EMB-145 series airplanes. This proposal would require relocating the pitot 1 and pitot 2 drain valves from the nose landing gear (NLG) compartment to the forward electronic compartment, and accomplishing follow-on actions. This action is necessary to prevent ice from damaging the pitot drain valves, which could cause airspeed indication errors, resulting in display of erroneous or misleading information to the flight crew. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by December 15, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-330-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2002-NM-330-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from

Empresa Brasileira de Aeronautica S.A. (EMBRAER), PO Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Todd Thompson, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone 425-227-1175; fax 425-227-1149.

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 shall 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 action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

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 comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2002-NM-330-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