

inspection of the APU exhaust silencer assembly per the Accomplishment Instructions of EMBRAER Service Bulletin 145LEG-49-0001, Change 01, dated August 29, 2002; or Part I of the Accomplishment Instructions of EMBRAER Service Bulletin 145-49-0021, Change 03, dated September 12, 2003; as applicable.

(1) If the APU exhaust silencer assembly passes the inspection required by paragraph (d) of this AD: Do the same steps for the mechanical integrity inspection required by paragraph (d) of this AD in a counter-clockwise direction, per the Accomplishment Instructions of the applicable service bulletin. Repeat the inspections required by paragraphs (d) and (d)(1) of this AD thereafter at intervals not to exceed 500 flight hours or 3 months, whichever is first. The inspections may be repeated up to two times before accomplishment of the requirements of paragraph (e) of this AD.

(2) If the APU exhaust silencer assembly does not pass the inspection required by paragraph (d) of this AD: Before further flight, disassemble the APU exhaust silencer assembly or placard the APU as "Inoperative" per the Accomplishment Instructions of the applicable service bulletin. No further action is required unless the APU is reactivated. To reactivate the APU: Before further flight, do the actions required by paragraph (e) of this AD.

#### Modification/Terminating Action

(e) For airplanes that have not incorporated EMBRAER Alert Service Bulletin 145-49-A021, Change 01, dated May 13, 2003: Within 1,500 flight hours or 12 months after the effective date of this AD, whichever is first, except as provided by paragraphs (c)(2) and (d)(2) of this AD; do all of the applicable actions per the Accomplishment Instructions of EMBRAER Service Bulletin 145LEG-49-0001, Change 01, dated August 29, 2002; or Part I of the Accomplishment Instructions of EMBRAER Service Bulletin 145-49-0021, Change 03, dated September 12, 2003; as applicable. This constitutes terminating action for the repetitive inspections required by paragraph (d) of this AD.

#### Reidentification of Modified Part

(f) For airplanes that have not incorporated EMBRAER Alert Service Bulletin 145-49-A021, Change 01, dated May 13, 2003: After accomplishment of the modification required by paragraph (e) of this AD; before further flight, change the part number of the modified APU exhaust silencer assembly from 4503801B to 4503801C per the Accomplishment Instructions of EMBRAER Service Bulletin 145LEG-49-0001, Change 01, dated August 29, 2002; or Part I of the Accomplishment Instructions of EMBRAER Service Bulletin 145-49-0021, Change 03, dated September 12, 2003; as applicable.

#### Credit for Actions Previously Accomplished

(g) Accomplishment of the specified actions before the effective date of this AD per EMBRAER Service Bulletin 145-49-0021, Change 02, dated November 12, 2002, is considered acceptable for compliance with the applicable requirements of paragraphs (a), (b), (c), (d), (e), and (f) of this AD.

#### Parts Installation

(h) As of the effective date of this AD, no person may install on any airplane an APU exhaust silencer having P/N 4503801B.

#### Submission of Information Not Required

(i) Although the service bulletins referenced in this AD specify to submit information to the manufacturer, this AD does not include such a requirement.

#### Alternative Methods of Compliance

(j) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, is authorized to approve alternative methods of compliance for this AD.

**Note 2:** The subject of this AD is addressed in Brazilian airworthiness directive 2002-05-01R2, dated January 6, 2003.

Issued in Renton, Washington, on March 30, 2004.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2003-NM-12-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, C4-605R Variant F, and F4-600R (Collectively Called A300-600), and A310 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 Airbus Model A300-600 and A310 series airplanes. This proposal would require modification of the attachment system of the insulation blankets of the forward cargo compartment and related corrective action. This action is necessary to prevent failure of the attachment system of the cargo insulation blankets, which could result in detachment and consequent tearing of the blankets. Such tearing could result in blanket pieces being ingested into and jamming the forward outflow valve of the pressure regulation subsystem, which could lead to cabin depressurization and adversely affect continued safe flight of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Comments must be received by May 6, 2004.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2003-NM-12-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. 2003-NM-12-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 Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; 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 2003-NM-12-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, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2003-NM-12-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### **Discussion**

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Model A300-600 and A310 series airplanes. The DGAC advises that there have been several reports of operator difficulty maintaining cabin pressure during cruise. Investigation revealed that pieces of a cargo insulation blanket had been ingested into the forward outflow valve of the pressure regulation subsystem located at frame 39 of the fuselage. Additional reports, obtained during routine inspections on other airplanes, revealed that the same type of cargo insulation blankets were found damaged. The damage was due to broken fasteners on the attachment system, which caused the blankets to detach and tear apart. Such conditions, if not corrected, could result in blanket pieces being ingested into and jamming the forward outflow valve of the pressure regulation subsystem, which could lead to cabin depressurization and adversely affect continued safe flight of the airplane.

#### **Explanation of Relevant Service Information**

Airbus has issued Service Bulletins A300-21-6045 and A310-21-2059, both Revision 01, both dated May 22, 2002. The service bulletins describe procedures for modification of the attachment system of the insulation

blankets of the forward cargo compartment and related corrective action. The modification includes the installation of insulation brackets on the attachment system, installation of adhesive on the insulation blanket, cutting the blanket and trimming the cutout sections, and re-identification of the blanket. The related corrective action involves repair of any damaged insulation blanket. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 2002-626(B) R1, dated March 19, 2003, to ensure the continued airworthiness of these airplanes in France.

#### **FAA's Conclusions**

These airplane models are manufactured in France and are 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, the DGAC has kept us informed of the situation described above. We have examined the findings of the DGAC, 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.

#### **Explanation of Requirements of Proposed Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

#### **Difference Between Service Bulletin A310-21-2059, Revision 01, and Proposed AD**

The service bulletin recommends prior or concurrent accomplishment of Airbus Service Bulletin A310-21-2012 (Airbus Modification 3881), Revision 03, dated April 9, 1986; however, we have been informed by the manufacturer that this is an inadvertent error. Therefore, this proposed AD follows the applicability in the French airworthiness directive and is applicable to A310 series airplanes on which Airbus Modification 3881 has already been done.

#### **Cost Impact**

We estimate that 149 airplanes of U.S. registry would be affected by this proposed AD, that it would take about 3 work hours per airplane to accomplish the proposed modification, and that the average labor rate is \$65 per work hour. Required parts would cost about \$198 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$58,557, or \$393 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### **Regulatory Impact**

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 the following new airworthiness directive:

**Airbus:** Docket 2003–NM–12–AD.

**Applicability:** Model A300 B4–600, B4–600R, C4–605R Variant F, and F4–600R (collectively called A300–600), and A310 series airplanes; certificated in any category; on which Airbus Modification 12340 or 12556 has not been done; and A310 series airplanes on which Airbus Modification 3881 has been done.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the attachment system of the cargo insulation blankets, which could result in detachment and consequent tearing of the blankets, resulting in blanket pieces being ingested into and jamming the forward outflow valve of the pressure regulation subsystem, which could lead to cabin depressurization and adversely affect continued safe flight of the airplane, accomplish the following:

### Modification

(a) Within 1 year after the effective date of this AD: Modify the attachment system of the insulation blankets of the forward cargo compartment by doing all the applicable actions per the Accomplishment Instructions of Airbus Service Bulletin A300–31–6045 (for Model A300–600 series airplanes) or A310–21–2059 (for Model A310 series airplanes), both Revision 01, both dated May 22, 2002, as applicable. Repair any damaged insulation blanket before further flight, per the applicable service bulletin.

### Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

**Note 1:** The subject of this AD is addressed in French airworthiness directive 2002–626(B) R1, dated March 19, 2003.

Issued in Renton, Washington, on March 30, 2004.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
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## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 30

**RIN 3038–AC06**

### Foreign Futures and Foreign Options Transactions

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commodity Futures Trading Commission (“Commission” or “CFTC”) is proposing to amend Part 30 of the Commission’s regulations to clarify when foreign futures and options brokers who are members of a foreign board of trade must register or obtain an exemption from registration. The Commission proposes to modify Rule 30.4(a) by clarifying that foreign futures and options brokers, including those with U.S. bank branches, are not required to register as futures commission merchants (FCMs) pursuant to Rule 30.4, or seek exemption from registration under Rule 30.10, if they fall generally into the following categories: Those that carry customer omnibus accounts for U.S. FCMs; those that carry U.S. affiliate accounts that are proprietary to the foreign futures and options broker; and those that carry U.S. accounts that are proprietary to a U.S. FCM. In addition, a foreign futures and options broker that has U.S. bank branches will be eligible for a Rule 30.10 comparability exemption or exemption from registration under Rule 30.4 based upon compliance with conditions specified in proposed Rule 30.10(b)(1) through (6).

**DATES:** Comments must be received by June 7, 2004.

**ADDRESSES:** You may submit comments, identified by RIN 3038–AC06, by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **E-mail:** [secretary@cftc.gov](mailto:secretary@cftc.gov). Include “Commission Rules 30.1, 30.4 and 30.10—Registration and Exemption” in the subject line of the message.

- **Fax:** (202) 418–5521.

- **Mail:** Send to Jean A. Webb, Secretary of the Commission, 1155 21st Street, NW., Washington DC 20581.

- **Courier:** See above.

**Instructions:** All comments received will be posted without change to <http://www.cftc.gov>, including any personal information provided.

### FOR FURTHER INFORMATION CONTACT:

Lawrence B. Patent, Deputy Director, or Susan A. Elliott, Special Counsel,

Compliance and Registration, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418–5439 or (202) 418–5464, or electronic mail: [lpotent@cftc.gov](mailto:lpotent@cftc.gov) or [selliott@cftc.gov](mailto:selliott@cftc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background

This is a reproposal of rules first proposed on August 26, 1999,<sup>1</sup> with two adjustments.<sup>2</sup> The 1999 proposals would have amended Part 30 of the Commission’s rules to clarify when foreign futures and options brokers that are members of a foreign board of trade or affiliates of U.S. FCMs must register under the Act or obtain an exemption from registration under the Act. The comment period ended on October 25, 1999 without any comments received. Soon thereafter, a no-action request was submitted that touched upon some of the issues addressed by the proposal, to which the staff responded. The staff’s no-action letter permitted the New York branch of a French bank to register in the U.S. as an Introducing Broker, to be guaranteed by a registered FCM that is a subsidiary of the same bank, and to introduce business to the London branch of the same bank. The letter stated that staff would not recommend enforcement action against the bank or its New York or London branches solely upon their failure to register as FCMs under the Act, or against the U.S. FCM or the bank’s New York or London branches for failure of the New York branch to introduce all customer accounts to the guaranteeing U.S. FCM, as required by Rule 1.57(a)(1).<sup>3</sup>

The Commission initially postponed reproposal of these rule amendments in order to permit time to assess the impact of its no-action letter, which permitted

<sup>1</sup> 64 FR 46613 (August 26, 1999).

<sup>2</sup> The 1999 proposal required an applicant for a Rule 30.10 exemption with a U.S. bank branch to file a specified set of representations with the National Futures Association (NFA). This proposal instead lists the representatives as conditions for compliance, in order to reduce the paperwork necessitated by these rule amendments. The second change from the 1999 proposal is that the definitional changes proposed, adding “foreign futures and options customer omnibus account” and “foreign futures and options broker” (“FFOB”), were adopted as Rules 30.1(d) and (e), respectively, in connection with the adoption of Rule 30.12 (65 FR 47275, 47280, August 2, 2000). Rule 30.12 was proposed in a separate release issued simultaneously with the proposal of the changes discussed herein on August 26, 1999 (64 FR 46618).

<sup>3</sup> The text of the letter is published on the CFTC Web site as Letter 00–94, “Rules 30.10 and 30.4a: No-Action Relief in Connection with Registration as an Introducing Broker,” and at [1999–2000 Transfer Binder] Comm. Fut. L. Rep. ¶28.279, September 27, 2000.