

(3) For airplanes subject to Part C of the service bulletin as specified in paragraph 1.C., "Effectivity," of the service bulletin: Within 5 months after the effective date of this AD, replace, with new parts, the nut, washer, and cotter pin on the forward side of each MLG side-brace fitting shaft. Do these actions in accordance with Part C of the Accomplishment Instructions of the service bulletin.

**Note 1:** For the purposes of this AD, a general visual inspection is: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

#### Actions Done Previously

(h) Actions done before the effective date of this AD in accordance with Bombardier Alert Service Bulletin A604-32-018, dated October 23, 2001, are acceptable for compliance with the corresponding actions required by this AD, provided that the additional actions specified in Part C of the Accomplishment Instructions of Bombardier ASB A604-32-018, Revision 01, dated February 22, 2002, are done, as applicable.

#### No Reporting Requirement

(i) Although the service bulletin referenced in this AD specifies reporting certain information and returning removed parts to Bombardier, this AD does not require these actions.

#### Alternative Methods of Compliance

(j) In accordance with 14 CFR 39.19, the Manager, New York ACO, is authorized to approve alternative methods of compliance for this AD.

**Note 2:** The subject of this AD is addressed in Canadian airworthiness directive CF-2002-43, dated September 30, 2002.

Issued in Renton, Washington, on November 1, 2004.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 04-24937 Filed 11-8-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2004-19560; Directorate Identifier 2004-NM-121-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A310 Series Airplanes

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus Model A310 series airplanes. This proposed AD would require modifying the wire routing of electrical harness 636VB in the right-hand wing. This proposed AD is prompted by the manufacturer's analysis for compliance with Special Federal Aviation Regulation No. 88, which has shown that wiring 2M of the 115V anti-collision white strobe lights and wiring 2S of the fuel quantity indication system (FQIS) should be rerouted into separate conduits. We are proposing this AD to prevent chafing damage to wiring 2M and 2S, which could result in a short circuit and consequently introduce an electrical current into the wiring of the FQIS and create an ignition source in the fuel tank.

**DATES:** We must receive comments on this proposed AD by December 9, 2004.

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

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.
- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, room PL-401, Washington, DC 20590.
- By fax: (202) 493-2251.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket

Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL-401, on the plaza level of the Nassif Building, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

*Technical information:* Tim Backman, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2797; fax (425) 227-1149.

*Plain language information:* Marcia Walters, [marcia.walters@faa.gov](mailto:marcia.walters@faa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Docket Management System (DMS)

The FAA has implemented new procedures for maintaining AD dockets electronically. As of May 17, 2004, new AD actions are posted on DMS and assigned a docket number. We track each action and assign a corresponding directorate identifier. The DMS AD docket number is in the form "Docket No. FAA-2004-99999." The Transport Airplane Directorate identifier is in the form "Directorate Identifier 2004-NM-999-AD." Each DMS AD docket also lists the directorate identifier ("Old Docket Number") as a cross-reference for searching purposes.

#### Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2004-19560; Directorate Identifier 2004-NM-121-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments submitted by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of our docket Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You can review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you can visit <http://dms.dot.gov>.

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 Docket

You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

### Discussion

We have examined the underlying safety issues involved in recent fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled "Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements" (67 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 ("SFAR 88," Amendment 21-78, and subsequent Amendments 21-82 and 21-83).

Among other actions, SFAR 88 requires certain type design (*i.e.*, type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: single failures, single failures in combination with another latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

The Joint Aviation Authorities (JAA) has issued a regulation that is similar to SFAR 88. (The JAA is an associated body of the European Civil Aviation Conference (ECAC) representing the civil aviation regulatory authorities of a number of European States who have agreed to co-operate in developing and implementing common safety regulatory standards and procedures.) Under this regulation, the JAA stated that all members of the ECAC that hold type certificates for transport category airplanes are required to conduct a design review against explosion risks.

We have determined that the actions identified in this proposed AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that an unsafe condition may exist on all Airbus Model A310 series airplanes. The DGAC advises that the manufacturer's analysis for compliance with SFAR 88 has shown that wiring 2M of the 115V anti-collision white strobe lights and wiring 2S of the fuel quantity indication system (FQIS) should be rerouted into separate conduits. The existing routing of wiring 2M and 2S through the same conduit could cause chafing damage to wiring 2M and 2S. This condition, if not corrected, could result in a short circuit and consequently introduce an electrical current into the wiring of the FQIS and create an ignition source in the fuel tank.

### Relevant Service Information

Airbus has issued Service Bulletin A310-28-2140, Revision 04, dated March 31, 2004. The service bulletin describes procedures for modifying the wire routing of electrical harness 636VB

in the right-hand wing. Modification of the wire routing includes:

- Removing certain components at the right-hand wing;
- Checking cable harnesses for damage and, if necessary, replacing any damaged wires;
- Installing a bracket;
- Rerouting of wiring 2M and 2S through separate conduits;
- Installing the conduits of wiring 2M and 2S and the wires to 2212VC and to the pylon;
- Rerouting the wires to 2212VC and to the pylon; installing the conduit with the wires to 2212VC and to the pylon; and
- Testing.

The DGAC mandated the service information and issued French airworthiness directive F-2004-005, dated January 7, 2004, to ensure the continued airworthiness of these airplanes in France.

### FAA's Determination and Requirements of the Proposed AD

This airplane model is manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. According to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. We have examined the DGAC's findings, evaluated all pertinent information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Therefore, we are proposing this AD, which would require modifying the wire routing of electrical harness 636VB in the right-hand wing. The proposed AD would require you to use the service information described previously to perform these actions, except as discussed under "Differences Between the Proposed AD and French Airworthiness Directive."

### Difference Between the Proposed AD and French Airworthiness Directive

The applicability of French airworthiness directive F-2004-005 excludes airplanes that accomplished Airbus Service Bulletin A310-38-2140 in service. However, we have not excluded those airplanes in the applicability of this proposed AD; rather, this proposed AD includes a requirement to accomplish the actions specified in that service bulletin. Such a requirement would ensure that the actions specified in the service bulletin and required by this proposed AD are

accomplished on all affected airplanes. Operators must continue to operate the airplane in the configuration required by this proposed AD unless an alternative method of compliance is approved.

#### Costs of Compliance

This proposed AD would affect about 51 airplanes of U.S. registry. The proposed actions would take about 34 work hours per airplane, at an average labor rate of \$65 per work hour. Required parts would cost about \$356 per airplane. Based on these figures, the estimated cost of the proposed AD for U.S. operators is \$130,866 or \$2,566 per airplane.

#### 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. 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.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

#### 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 FAA 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 (AD):

**Airbus:** Docket No. FAA-2004-19560; Directorate Identifier 2004-NM-121-AD.

#### Comments Due Date

(a) The Federal Aviation Administration must receive comments on this AD action by December 9, 2004.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to all Airbus Model A310-203, -204, -221, -222, -304, -322, -324, and -325 series airplanes, certificated in any category.

#### Unsafe Condition

(d) This AD was prompted by the manufacturer's analysis for compliance with Special Federal Aviation Regulation No. 88, which has shown that wiring 2M of the 115V anti-collision white strobe lights and wiring 2S of the fuel quantity indication system (FQIS) should be rerouted into separate conduits. We are issuing this AD to prevent chafing damage to wiring 2M and 2S, which could result in a short circuit and consequently introduce an electrical current into the wiring of the FQIS and create an ignition source in the fuel tank.

#### 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.

#### Modification

(f) Within 72 months after the effective date of this AD, modify the routing of electrical harness 636VB in the right-hand wing by accomplishing all of the actions in the Accomplishment Instructions of Airbus Service Bulletin A310-28-2140, Revision 04, dated March 31, 2004.

#### Credit for Previously Accomplished Service Bulletins

(g) Modification of the routing of electrical harness 636VB accomplished before the effective date of this AD in accordance with Airbus Service Bulletin A310-28-2140, Revision 02, dated May 24, 2002; or Revision 03, dated November 21, 2002; is acceptable for compliance with the requirements of paragraph (f) of this AD.

#### Alternative Methods of Compliance (AMOCs)

(h) The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

#### Related Information

(i) French airworthiness directive F-2004-005, dated January 7, 2004, also addresses the subject of this AD.

Issued in Renton, Washington, on November 1, 2004.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 04-24938 Filed 11-8-04; 8:45 am]

**BILLING CODE 4910-13-U**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 1

#### RIN 3038-AC16

### Distribution of "Risk Disclosure Statement" by Futures Commission Merchants and Introducing Brokers

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission" or "CFTC") is proposing to amend Rule 1.55 to provide that non-institutional customers may indicate with a single signature, in addition to the acknowledgment of receipt of various disclosures and the making of certain elections, the consent referenced in Rules 155.3(b)(2) and 155.4(b)(2) concerning customer permission for futures commission merchants ("FCMs") and introducing brokers ("IBs") to take the opposite side of an order.

**DATES:** Comments must be received by December 9, 2004.

**ADDRESSES:** You may submit comments, identified by RIN 3038-AC16, 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 "Proposed Amendments to Rule 1.55" in the subject line of the message.
- Fax: (202) 418-5521.
- Mail: Send to Jean A. Webb, Secretary of the Commission, Commodity Futures Trading 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 Section, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC