

362(B), dated August 8, 2001; and 2001–265(B) R2, dated November 13, 2002.

#### Incorporation by Reference

(k) Unless otherwise specified in this AD, the actions shall be done in accordance with

the applicable service bulletin listed in Table 2 of this AD. Table 2 of this AD follows:

TABLE 2.—SERVICE BULLETINS INCORPORATED BY REFERENCE

Airbus Service Bulletin	Revision	Date
A300–21–053 .....	2 .....	January 3, 1980.
A300–22–031 .....	1 .....	February 9, 1981.
A300–32–052 .....	2 .....	September 10, 1981.
A300–34–069, as revised by Airbus A300 Service Bulletin Change Notice 5A (dated February 16, 1987).	5 .....	April 8, 1982.
A300–34–0166 .....	Original .....	March 30, 2001.
A300–34–6116 .....	03 .....	June 6, 2003.
A300–34–6141 .....	03 .....	August 27, 2002.
A310–34–2137 .....	03 .....	June 6, 2003.
A310–34–2154 .....	07 .....	October 8, 2002.
A320–34–1127 .....	01 .....	December 4, 2001.
A330–34–3038 .....	01 .....	September 14, 2001.
A330–34–3071 .....	01 .....	May 30, 2001.
A340–34–4042 .....	01 .....	September 14, 2001.
A340–34–4079 .....	06 .....	April 1, 2003.

Airbus Service Bulletin A300–34–069, Revision 5, contains the following effective pages:

Page Number	Revision level shown on page	Date shown on page
1, 7, 8, 61, 62 .....	5 .....	April 8, 1982.
2 .....	4 .....	October 1, 1981.
3–6, 9–13, 16–21, 26–39, 41–48, 57–60, 63–66, 71, 72 .....	Original .....	April 12, 1979.
14, 15, 22, 40, 49–52, 75, 76 .....	3 .....	March 23, 1981.
23, 24, 53–56, 67–70, 73, 74, 77–80 .....	1 .....	March 14, 1980.
25 .....	2 .....	April 10, 1980.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### Effective Date

(1) This amendment becomes effective on April 7, 2004.

Issued in Renton, Washington, on February 4, 2004.

#### Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.  
[FR Doc. 04–4513 Filed 3–2–04; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000–NM–170–AD; Amendment 39–13503; AD 2004–05–09]

RIN 2120–AA64

#### Airworthiness Directives; McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas airplane models, that requires a one-time inspection for chafing of wiring in the left-hand tunnel area of the forward cargo compartment, repair if necessary, and coiling and stowing of excess wiring. This action is necessary to prevent wire chafing and subsequent shorting to structure in the forward cargo compartment, which could result in smoke or fire in the airplane. This

action is intended to address the identified unsafe condition.

**DATES:** Effective April 7, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 7, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Elvin Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft

Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5344; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas airplane models was published in the **Federal Register** on July 29, 2003 (68 FR 44491). That action proposed to require a one-time inspection for chafing of wiring in the left-hand tunnel area of the forward cargo compartment, repair if necessary, and coiling and stowing of excess wiring.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

#### Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

There are approximately 1,116 airplanes of the affected design in the worldwide fleet. The FAA estimates that 655 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is \$65 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$127,725, or \$195 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the 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. Manufacturer warranty remedies may be available for labor costs associated with this AD. As a result, the costs attributable to the AD may be less than stated above.

#### Regulatory Impact

The regulations adopted herein will 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 final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

#### 2004-05-09 McDonnell Douglas:

Amendment 39-13503. Docket 2000-NM-170-AD.

**Applicability:** Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 airplanes; certificated in any category; as listed in McDonnell Douglas Alert Service Bulletin MD80-24A158, Revision 01, dated February 23, 2000.

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

To prevent wire chafing and subsequent shorting to structure in the forward cargo compartment, which could result in smoke or fire in the airplane, accomplish the following:

#### Inspection and Follow-On Actions

(a) Within 1 year after the effective date of this AD, perform a one-time general visual inspection for chafing of wiring in the left-

hand tunnel area of the forward cargo compartment between Y = 237.000 and Y = 256.000, per the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD80-24A158, Revision 01, dated February 23, 2000. Then, do paragraphs (a)(1) and (a)(2) of this AD, as applicable.

(1) If any chafing is found, before further flight, repair per the service bulletin.

(2) Before further flight, coil and stow excess wiring per the service bulletin.

**Note 1:** For the purposes of this AD, a general visual inspection is defined as: "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 enhance visual access to all exposed 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."

#### Inspections Accomplished per Previous Issue of Service Bulletin

(b) Actions accomplished before the effective date of this AD per McDonnell Douglas Service Bulletin MD80-24-158, dated October 27, 1995, are considered acceptable for compliance with the corresponding action specified in this AD.

#### Alternative Methods of Compliance

(c) In accordance with 14 CFR 39.19, the Manager, Los Angeles Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance for this AD.

#### Incorporation by Reference

(d) Unless otherwise specified in this AD, the actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD80-24A158, Revision 01, dated February 23, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### Effective Date

(e) This amendment becomes effective on April 7, 2004.

Issued in Renton, Washington, on February 20, 2004.

**Kalene C. Yanamura,**

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

[FR Doc. 04-4560 Filed 3-2-04; 8:45 am]

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## FEDERAL TRADE COMMISSION

### 16 CFR Part 304

#### Rules and Regulations Under the Hobby Protection Act

**AGENCY:** Federal Trade Commission.

**ACTION:** Confirmation of rule.

**SUMMARY:** The Federal Trade Commission (“FTC” or “Commission”) has completed its regulatory review of the Rules and Regulations Issued Under the Hobby Protection Act (“rule”). The rule regulates the marking of imitation political and numismatic items. Pursuant to its regulatory review, the Commission concludes that the rule continues to be valuable both to consumers and businesses.

**DATES:** This action is effective as of March 3, 2004.

**FOR FURTHER INFORMATION CONTACT:** Janice Podoll Frankle, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580; (202) 326-3022.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Commission has determined, as part of its oversight responsibilities, to review its rules and guides periodically to seek information about their costs and benefits and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission.

##### II. Background

On November 29, 1973, Congress passed the Hobby Protection Act (“Act”), 15 U.S.C. 2101-06. The Act requires manufacturers and importers of “imitation political items”<sup>1</sup> to mark “plainly and permanently” such items

<sup>1</sup> An imitation political item is “an item which purports to be, but in fact is not, an original political item, or which is a reproduction, copy, or counterfeit of an original political item.” 15 U.S.C. 2106(2). The Act defines original political items as being any political button, poster, literature, sticker or any advertisement produced for use in any political cause. *Id.* at 2106(1). The political items dealers sell include presidential, local election, and cause-type buttons, pins, posters, tie clasps, cuff links, mugs, photos, inauguration invitations, marshal’s badges, medals, ribbons and the like.

with the “calendar year” such items were manufactured. *Id.* at 2101(a). The Act also requires manufacturers and importers of “imitation numismatic items”<sup>2</sup> to mark “plainly and permanently” such items with the word “copy.” *Id.* at 2101(b). The Act further directs the Commission to promulgate regulations for determining the “manner and form” that imitation political items and imitation numismatic items are to be permanently marked with the calendar year of manufacture or the word “copy.” *Id.* at 2101(c).

Pursuant to the Act, in 1975 the Commission issued rules and regulations under the Hobby Protection Act, 16 CFR part 304. The rule tracks the definitions of terms used in the Act and implements the Act’s “plain and permanent” marking requirements by establishing the sizes and dimensions of the letters and numerals to be used, the location of the marking on the item, and how to mark incusable and nonincusable items.<sup>3</sup> In 1988, the rule was amended to provide additional guidance on the minimum size of letters for the word “copy” as a proportion of the diameter of coin reproductions.<sup>4</sup> 53 FR 38942 (October 4, 1988).

On March 3, 2003, the Commission published a **Federal Register** notice (“FRN”) seeking comment on the rule as part of the Commission’s ongoing project to review periodically its rules and guides to determine their current effectiveness and impact (68 FR 9856). This FRN sought comment on the costs and benefits of the rule, what changes in the rule would increase its benefits to purchasers and how those changes would affect compliance costs, and whether technological or marketplace changes have affected the rule.

The comments submitted in response to the FRN generally expressed continuing support for the rule, indicating that it has created a level playing field among competitors. The

<sup>2</sup> An imitation numismatic item is “an item which purports to be, but in fact is not, an original numismatic item or which is a reproduction, copy, or counterfeit of an original numismatic item.” 15 U.S.C. 2106(4). The Act defines original numismatic items to include coins, tokens, paper money, and commemorative medals that have been part of a coinage or issue used in exchange or used to commemorate a person or event. *Id.* at 2106(3).

<sup>3</sup> Incusable items are those that can be impressed with a stamp.

<sup>4</sup> Prior to the amendment, if a coin were too small to comply with the minimum letter size requirements, the manufacturer or importer individually had to request from the Commission a variance from those requirements. Because imitation miniature coins were becoming more common, the Commission determined that it was in the public interest to allow the placing of the word “copy” on miniature imitation coins in sizes that could be reduced proportionately with the size of the item.

vast majority of comments proposed that the Commission expand the rule to address problems involving the selling (passing off) as originals of reproductions of antiques and collectibles not covered by the Act and rule.<sup>5</sup> The Commission, however, does not have authority under the Act to amend the rule as requested. In addition, existing laws and informational material disseminated by various collecting clubs address many of the concerns raised by these comments.

##### III. Regulatory Review Comments

The Commission received 350 comments in response to its FRN.<sup>6</sup> Approximately 248 comments were letters and e-mails from individual collectors who advocated expanding the rule’s coverage to all antiques and collectibles. The vast majority of these were form letters from individual collectors. Of the remainder, eight were from national trade associations and collector groups,<sup>7</sup> three were from hobby publications,<sup>8</sup> and the remaining were from dealers,<sup>9</sup> State and local trade associations and local chapters of national groups,<sup>10</sup> and antique appraisers.<sup>11</sup>

The Commission discusses the comments in two sections. In section A, the Commission analyzes the comments relating to political and numismatic products (“covered products”). In section B, the Commission discusses the comments on expanding the Act and rule to cover all antiques and collectibles.

<sup>5</sup> Although the comments overwhelmingly supported expansion of the Act and rule, they did not specifically respond to all of the questions posed in the March 2003 FRN.

<sup>6</sup> The comments are cited in this notice by the name of the commenter. All rule review comments are on the public record and are available for public inspection in the Consumer Response Center, Room 130, Federal Trade Commission, 6th and Pennsylvania Ave., NW., Washington, DC, from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

<sup>7</sup> National Association of Collectors and Association of Collecting Clubs (NAC); Wagner and Griswold Society; Custard Glass Collectors Society; Toy Train Collectors Association; Hamm’s Club, Inc.; Casino Chips and Gaming Tokens Collectors Club; National Association of Milk Bottle Collectors; and National Insulator Association.

<sup>8</sup> Antique & Collectors Reproduction News; Coin World; and Kettle ‘n Cookware.

<sup>9</sup> *E.g.*, Americana Resources, Inc.

<sup>10</sup> Antique Dealers Association of Berks County, Inc.; The Questers; Michigan Hunting & Fishing License Collectors Club; American Political Items Collectors, National Capital Chapter; and Apple Valley Bottle Collectors.

<sup>11</sup> *E.g.*, Donald Hoffman.