

system, and possibly reduced controllability and performance of the airplane in icing conditions.

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.

Installation

(f) Within 90 days after the effective date of this AD, install an additional mounting angle at rib 9 in the leading edge area of the left- and right-hand wings in accordance with the Accomplishment Instructions of Dornier Service Bulletin SB-328J-30-190, dated July 16, 2003.

Alternative Methods of Compliance (AMOCs)

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

Related Information

(h) German airworthiness directive D-2004-049, dated February 1, 2004, also addresses the subject of this AD.

Material Incorporated by Reference

(i) You must use Dornier Service Bulletin SB-328J-30-190, dated July 16, 2003, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get copies of the service information, contact AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany. To view the AD docket, go to the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Nassif Building, Washington, DC. To review copies of the service information, contact the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on April 29, 2005.

Ali Bahrami,

*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. FAA-2005-20081; Directorate Identifier 2004-NM-132-AD; Amendment 39-14080; AD 2005-10-03]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 777-200 and 777-300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 777-200 and -300 series airplanes. This AD requires modification of the operational program software (OPS) of the air data inertial reference unit (ADIRU). This AD is prompted by a report of the display of erroneous heading information to the pilot due to a defect in the OPS of the ADIRU. We are issuing this AD to prevent the display of erroneous heading information to the pilot, which could result in loss of the main sources of attitude data, consequent high pilot workload, and subsequent deviation from the intended flight path.

DATES: This AD becomes effective June 15, 2005.

The incorporation by reference of certain publications listed in the AD is approved by the Director of the Federal Register as of June 15, 2005.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. 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 U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Washington, DC. This docket number is FAA-2005-20081; the directorate identifier for this docket is 2004-NM-132-AD.

FOR FURTHER INFORMATION CONTACT: Paul Feider, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton,

Washington 98055-4056; telephone (425) 917-6467; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with an AD for certain Boeing Model 777-200 and -300 series airplanes. That action, published in the **Federal Register** on January 19, 2005 (70 FR 2980), proposed to require modification of the operational program software (OPS) of the air data inertial reference unit (ADIRU).

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been submitted on the proposed AD.

Support for the Proposed AD

One commenter supports the proposed AD and states that it is appropriate because it will prevent future occurrences of erroneous heading information being presented to the pilot. Another commenter states that it understands the need for the modification to the affected OPS of the ADIRU and does not have any objection to the proposed AD. The second commenter adds that the modification was accomplished on all its Model 777 series airplanes in calendar year 2002.

Request To Add New Service Information

Two commenters ask that Boeing Service Bulletin 777-34-0094, dated June 10, 2004, be added to the proposed AD as an additional source of service information for accomplishing the modification of the OPS of the ADIRU.

One commenter, the airplane manufacturer, states that the new service bulletin provides procedures for installation of a newer version of the OPS of the ADIRU, which contains the fix required by the proposed AD. The commenter suggests adding the new service bulletin to paragraph (f) of the proposed AD as an option for accomplishing the modification in the proposed AD, instead of using the service bulletin currently referenced.

Another commenter states that it is concerned about any wording in the proposed AD that may affect and impact any future installations of new OPS of the ADIRU. The commenter adds that it is imperative that the proposed AD address this issue as Boeing has already released a new service bulletin. The commenter notes that the new service bulletin contains information for updating the existing software with an adjusted Mach function; the proposed AD would mandate installation of previous OPS of the ADIRU per Boeing

Service Bulletin 777–34A0082, Revision 1, dated December 19, 2002. The commenter has already incorporated the installation of OPS of the ADIRU per the mandated bulletin, and has also incorporated the installation of OPS of the ADIRU per Service Bulletin 777–34–0094. The commenter is concerned that an Alternative Method of Compliance (AMOC) may now be required for any operator that has incorporated or will incorporate software upgrades in the future.

We agree with the intent of the commenters' requests to reference Boeing Service Bulletin 777–34–0094, we have reviewed the service bulletin and we determined that it addresses the unsafe condition appropriately. Therefore, we have changed paragraph (f) of this final rule to include that service bulletin as an additional appropriate source of service information for accomplishing the modification. However, regarding future upgrades of the OPS of the ADIRU per the issuance of future service information; we cannot accept as-yet unpublished service documents for compliance with the requirements of an AD. Referring to an unavailable service bulletin in an AD to allow operators to use later revisions of the referenced documents (issued after publication of the AD) violates Office of the Federal Register regulations for approving materials that are incorporated by reference. However, under the provisions of paragraph (g) of this AD, affected operators may request approval to use a later revision of the referenced service bulletin as an AMOC.

Conclusion

We have carefully reviewed the available data, including the comments that have been submitted, and determined that air safety and the public interest require adopting the AD with the change described previously. This change will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 409 airplanes of the affected design in the worldwide fleet. This AD affects about 130 airplanes of U.S. registry. The actions take about 1 work hour per airplane, at an average labor rate of \$65 per work hour. Required parts are free of charge. Based on these figures, the estimated cost of the AD for U.S. operators is \$8,450, or \$65 per airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue

rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD 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.

For the reasons discussed above, I certify that this AD:

- (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.

We prepared a regulatory evaluation of the estimated costs to comply with this 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, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

2005–10–03 Boeing: Amendment 39–14080. Docket No. FAA–2005–20081; Directorate Identifier 2004–NM–132–AD.

Effective Date

(a) This AD becomes effective June 15, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 777–200 and –300 series airplanes, certificated in any category; as listed in Boeing Service Bulletin 777–34A0082, Revision 1, dated December 19, 2002.

Unsafe Condition

(d) This AD was prompted by a report of the display of erroneous heading information to the pilot due to a defect in the operational program software (OPS) of the air data inertial reference unit (ADIRU). The Federal Aviation Administration is issuing this AD to prevent the display of erroneous heading information to the pilot, which could result in loss of the main sources of attitude data, consequent high pilot workload, and subsequent deviation from the intended flight path.

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 6 months after the effective date of this AD: Modify the OPS of the ADIRU by doing the applicable actions specified in the Accomplishment Instructions of Boeing Service Bulletin 777–34A0082, Revision 1, dated December 19, 2002, or Boeing Service Bulletin 777–34–0094, dated June 10, 2004.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Seattle Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(h) You must use Boeing Service Bulletin 777–34A0082, Revision 1, dated December 19, 2002; or Boeing Service Bulletin 777–34–0094, dated June 10, 2004; to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get copies of the service information, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207. To view the AD docket, go to the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401,

Nassif Building, Washington, DC. To review copies of the service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on April 29, 2005.

Ali Bahrami,

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

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BILLING CODE 4910-13-P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 150

RIN 3038-AC24

Revision of Federal Speculative Position Limits

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission (Commission) is amending Commission regulation 150.2 to increase the speculative position limit levels for all single-month and all-months-combined positions subject to such limits. In addition, the Commission is making other clarifying amendments concerning the aggregation of positions when a Designated Contract Market (DCM) trades two or more contracts with substantially identical terms, and is deleting several obsolete provisions in part 150 that relate to contracts that are no longer listed for trading or to DCMs that no longer exist.

DATES: Effective June 10, 2005.

FOR FURTHER INFORMATION CONTACT:

Clarence Sanders, Attorney, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, telephone (202) 418-5068, facsimile number (202) 418-5507, electronic mail csanders@cftc.gov; or Martin Murray, Economist, Division of Market Oversight, telephone (202) 418-5276, facsimile number (202) 418-5507, electronic mail mmurray@cftc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 15, 2005 (70 FR 12621), the Commission published proposed amendments to Commission regulation 150.2 to increase the speculative

position limit levels for single-month and all-months-combined positions for CBT Corn, Oats, Soybeans, Wheat, Soybean Oil, and Soybean Meal; MGE Hard Red Spring Wheat; KCBT Hard Winter Wheat, and NYBOT Cotton No. 2.¹ The spot month limits for all of these commodities would remain unchanged. The Commission also proposed to clarify in regulation 150.2 its practice of aggregating traders' positions for purposes of ascertaining compliance with Federal speculative position limits when a DCM lists for trading two or more contracts with substantially identical terms based on the same underlying commodity characteristics. Finally, the Commission proposed to delete several obsolete provisions in part 150 that relate to contracts that are no longer listed for trading or to DCMs that no longer exist.²

II. Final Rules

The Commission is adopting as final rules without additional amendment the revisions to the speculative position limit levels that were set forth in the proposed rulemaking. This action is based upon its experience in administering these limits and after carefully considering the comments received in response to the notice of proposed rulemaking.

Thirteen comment letters were received in response to the proposed rulemaking, all but one of which was in favor. Favorable comments were submitted by representatives of agricultural trade or producer organizations, in particular the American Farm Bureau Federation (AFBF) and the National Farmers Union (NFU) who filed a joint statement, the National Grain Trade Council, and the National Grain and Feed Association; two DCMs, the Minneapolis Grain Exchange and the Chicago Board of Trade; and several entities representing the views of hedge fund managers, particularly the Managed Funds Association, Eclipse Capital, Campbell & Company, Rotella Capital Management, Chesapeake Capital Corporation, John W. Henry & Co., and

¹ Commission regulation 150.2 imposes three types of position limits for each specified contract: a spot-month limit, a single-month limit that applies to each non-spot month, and an all-months-combined limit.

² Commission regulation 150.2 currently includes Federal speculative position limits for agricultural commodities traded on the MidAmerica Commodity Exchange (MidAm) and for the white wheat futures contract traded on MGE. These provisions relating to the MidAm and the MGE white wheat futures contract are obsolete and will be repealed as part of this action. In addition, reference to the New York Cotton Exchange is being changed to NYBOT to reflect a change in corporate organization.

Graham Capital Management. Most of the favorable comments supported the proposed higher limits as a desirable interim step towards the ultimate abolition of Federal limits, although the AFBF and NFU supported both the higher limits and the continued retention of Federal limits indefinitely. In this regard, as the Commission noted in its proposed rulemaking, while the Commission has determined at this time to retain Federal speculative position limits at the increased levels contained herein, the Commission intends to continue its review of its current policies regarding the administration of speculative position limits, including a further evaluation of the merits of retaining Federal speculative limits.

The American Cotton Shippers Association (ACSA) opposed the proposed increase in the single-month and all-months combined limits for cotton. In particular, ACSA noted that the NYBOT has proposed, in consultation with its cotton committee, the establishment of its own, exchange-set speculative position limits for the cotton No. 2 futures and option contracts. The NYBOT's proposed limits of 2,500 futures-equivalent contracts for single months and 4,000 futures-equivalent contracts for all months combined are lower than those to be adopted by the Commission in this rulemaking. Accordingly, ACSA expressed the view that the Commission should adopt in part 150 of the Commission's regulations the NYBOT's proposed lower levels.³

The Commission has taken this view into account but nevertheless believes that the limit levels it has proposed for the NYBOT cotton No. 2 futures and option contracts under part 150 of the Commission's regulations are appropriate and that no change from its proposed rulemaking is necessary for several reasons. First, the Commission has applied consistent criteria in setting Federal speculative limits for all commodities subject to those limits, and it believes that it should continue this policy. Accordingly, the all-months-combined speculative position limit levels adopted herein, including the limit for the cotton No. 2 futures contract, were set according to the Commission's long standing and well-established formula that takes into

³ In an August 3, 2004, letter, the NYBOT submitted for Commission approval proposed speculative position limit rules for the cotton No. 2 futures and option contracts pursuant to Section 5c(c)(2) of the Commodity Exchange Act, and Commission regulation 40.4. At that time, the NYBOT also agreed to extend the Commission's time to review and approve the amendments until such time as the Commission should implement amendments to Commission regulation 150.2.