

contamination as specified in MIL-5007D and provisions for replacing the fuel filter at this specified period (or a shorter period) are included in the maintenance schedule for the engine installation.

(g) Power setting, in percentage.

(h) Fuel temperature.

(i) Fuel flow (engine fuel consumption).

**9. Operating Limitations and Information—Powerplant Limitations—Fuel Grade or Designation (Compliance With § 23.1521(d) Requirements)**

Instead of compliance with § 23.1521(d), the applicant must comply with the following:

The minimum fuel designation (for diesel engines) must be established so that it is not less than that required for the operation of the engines within the limitations in paragraphs (b) and (c) of § 23.1521.

**10. Markings and Placards—Miscellaneous Markings and Placards—Fuel, Oil, and Coolant Filler Openings (Compliance With § 23.1557(c)(1) Requirements)**

Instead of compliance with § 23.1557(c)(1), the applicant must comply with the following:

Fuel filler openings must be marked at or near the filler cover with—

For diesel engine-powered airplanes—

(a) The words “Jet Fuel”; and

(b) The permissible fuel designations, or references to the Airplane Flight Manual (AFM) for permissible fuel designations.

(c) A warning placard or note that states the following or similar:

“Warning—this airplane equipped with an aircraft diesel engine, service with approved fuels only.”

The colors of this warning placard should be black and white.

**11. Powerplant—Fuel System—Fuel-Freezing**

If the fuel in the tanks cannot be shown to flow suitably under all possible temperature conditions, then fuel temperature limitations are required. These will be considered as part of the essential operating parameters for the aircraft and must be limitations.

(1) The takeoff temperature limitation must be determined by testing or analysis to define the minimum cold-soaked temperature of the fuel that the airplane can operate on.

(2) The minimum operating temperature limitation must be determined by testing to define the minimum operating temperature

acceptable after takeoff (with minimum takeoff temperature established in (1) above).

**12. Powerplant Installation—Vibration Levels**

Vibration levels throughout the engine operating range must be evaluated and:

(1) Vibration levels imposed on the airframe must be less than or equivalent to those of the gasoline engine; or

(2) Any vibration level that is higher than that imposed on the airframe by the replaced gasoline engine must be considered in the modification and the effects on the technical areas covered by the following paragraphs must be investigated: 14 CFR part 23, §§ 23.251; 23.613; 23.627; 23.629 (or CAR 3.159, as applicable to various models); 23.572; 23.573; 23.574 and 23.901.

Vibration levels imposed on the airframe can be mitigated to an acceptable level by utilization of isolators, dampers clutches and similar provisions, so that unacceptable vibration levels are not imposed on the previously certificated structure.

**13. Powerplant Installation—One Cylinder Inoperative**

It must be shown by test or analysis, or by a combination of methods, that the airframe can withstand the shaking or vibratory forces imposed by the engine if a cylinder becomes inoperative. Diesel engines of conventional design typically have extremely high levels of vibration when a cylinder becomes inoperative. Data must be provided to the airframe installer/modifier so either appropriate design considerations or operating procedures, or both, can be developed to prevent airframe and propeller damage.

**14. Powerplant Installation—High Energy Engine Fragments**

It may be possible for diesel engine cylinders (or portions thereof) to fail and physically separate from the engine at high velocity (due to the high internal pressures). This failure mode will be considered possible in engine designs with removable cylinders or other non-integral block designs. The following is required:

(1) It must be shown that the engine construction type (massive or integral block with non-removable cylinders) is inherently resistant to liberating high energy fragments in the event of a catastrophic engine failure; or

(2) It must be shown by the design of the engine, that engine cylinders, other engine components or portions thereof (fragments) cannot be shed or blown off of the engine in the event of a catastrophic engine failure; or

(3) It must be shown that all possible liberated engine parts or components do not have adequate energy to penetrate engine cowlings; or

(4) Assuming infinite fragment energy, and analyzing the trajectory of the probable fragments and components, any hazard due to liberated engine parts or components will be minimized and the possibility of crew injury is eliminated. Minimization must be considered during initial design and not presented as an analysis after design completion.

Issued in Kansas City, Missouri, on January 6, 2005.

**James E. Jackson,**

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

[FR Doc. 05–852 Filed 1–13–05; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 73**

[Docket No. FAA–2004–17773; Airspace Docket No. 04–ASW–11]

**RIN 2120–AA66**

**Modification of Restricted Areas 5103A, 5103B, and 5103C, and Revocation of Restricted Area 5103D; McGregor, NM**

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

**ACTION:** Final rule, correction.

**SUMMARY:** This action corrects a final rule (Airspace Docket No. 04-ASW-11) published in the **Federal Register** on December 13, 2004 (69 FR 72113). In that rule, the effective date was inadvertently published as January 20, 2005. The correct effective date is March 17, 2005. This action corrects that error.

**DATES:** 0901 UTC, March 17, 2005.

**FOR FURTHER INFORMATION CONTACT:** Steve Rohring, Airspace and Rules, Office of System Operations and Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

**SUPPLEMENTARY INFORMATION:** On December 13, 2004, Airspace Docket No. 04-ASW-11 (69 FR 72113), was published modifying R-5103A, R-5103B, and R-5103C, and revoking R-5103D in McGregor, NM. In that rule, the effective date was inadvertently published as January 20, 2005. The correct effective date is March 17, 2005. This action corrects that error.

## Correction to Final Rule

■ Accordingly, pursuant to the authority delegated to me, the effective date for Airspace Docket No. 04-ASW-11, as published in the **Federal Register** on December 13, 2004 (69 FR 72113), is corrected as follows:

### § 73.51 [Corrected]

■ On page 72113, correct the effective date to read March 17, 2005.

Issued in Washington, DC, on January 11, 2005.

**Edie Parish,**

*Acting Manager, Airspace and Rules.*

[FR Doc. 05-849 Filed 1-13-05; 8:45 am]

BILLING CODE 4910-13-P

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 140

RIN 3038-AC18

### Delegation of Authority to Director of the Division of Clearing and Intermediary Oversight; Correction

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Technical amendments.

**SUMMARY:** This document contains technical amendments to the final rule amendments that were published on October 7, 2002 (67 FR 62350). This rule relates to delegations of authority from the Commodity Futures Trading Commission (Commission) to its staff.

**EFFECTIVE DATES:** January 14, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Barbara S. Gold, Associate Director, or Peter Sanchez, Attorney Advisor, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, telephone numbers: (202) 418-5450 or (202) 418-5237, respectively; facsimile number: (202) 418-5528; and electronic mail: [bgold@cftc.gov](mailto:bgold@cftc.gov) or [psanchez@cftc.gov](mailto:psanchez@cftc.gov), respectively.

#### SUPPLEMENTARY INFORMATION:

##### 1. Technical Amendments

By Rule 140.93, the Commission has delegated to the Director of the Division of Clearing and Intermediary Oversight (DCIO) various functions reserved to the Commission under Part 4 of the Commission's regulations, which relates to the operations and activities of commodity pool operators (CPOs) and commodity trading advisors.<sup>1</sup> As is

<sup>1</sup> Rule 140.93 further extends this delegation "to such members of the Commission's staff acting

explained below, the technical amendments the Commission is making to Rule 140.93 conform the rule to changes the Commission previously has made to certain paragraphs of the rule itself and to certain other rules to which Rule 140.93 applies.

On October 7, 2002, the Commission amended its rules to reflect the reassignment of responsibilities, including delegations of authority pursuant to Rule 140.83, resulting from its reorganization of its staff. Under the reorganized structure, the (former) Divisions of Trading and Markets and Economic Analysis were reconfigured into two new divisions and one new office, DCIO, the Division of Market Oversight, and the Office of the Chief Economist. As amended, the Commission's rules reflected new assignments of responsibilities, including delegated authorities. In this regard, the Commission removed the words "Trading and Markets" from the body of Rule 140.93 and added, in their place, the words "Clearing and Intermediary Oversight." However, the Commission neglected at that time to make a similar amendment to the title of the rule itself. Accordingly, one of the technical amendments the Commission is making is the removal of the words "Trading and Markets" from the title of Rule 140.93 and the addition, in their place, of the words "Clearing and Intermediary Oversight."

One of the rules to which Rule 140.93 applies is Rule 4.22, which concerns the Annual Report that a CPO registered or required to be registered under the Act must prepare and distribute to each participant in each pool it operates. On December 11, 2002, the Commission delegated to the National Futures Association (NFA) all functions under Rule 4.22(f)—*e.g.*, the receiving and granting or denying of applications for extensions of time to distribute Annual Reports.<sup>2</sup> On that date, the Commission also amended Rule 4.22(f) by removing the word "Commission" from the rule and adding, in its place, the words "National Futures Association."<sup>3</sup> Thus,

under [the Director's] direction as he may designate from time to time."

Commission rules cited to herein are found at 17 CFR Ch. I (2004). Both the Commodity Exchange Act (Act), 7 U.S.C. 1 *et seq.* (2000), and the Commission's rules issued thereunder can be accessed through the Commission's Web site, at: <http://www.cftc.gov/cftc/cftclawreg.htm>.

<sup>2</sup> 67 FR 77470 (December 18, 2002). NFA is a futures association registered as such with the Commission under Section 17 of the Act, 7 U.S.C. 21 (2000).

<sup>3</sup> 67 FR 77409 (December 18, 2002). The Commission did not delegate to NFA any functions under Rule 4.22(g), which concerns the election by a CPO of its pool's fiscal year and the authority of

other technical amendments the Commission is making are the removal of paragraph (a)(2) of Rule 140.93 (such that Rule 140.93 no longer refers to Rule 4.22(f)) and the redesignation of paragraphs (a)(3) through (a)(6) of Rule 140.93 as paragraphs (a)(2) through (a)(5) of Rule 140.93.

Another of the rules to which Rule 140.93 applies is Rule 4.5, which, among other things, provides an exclusion from the term "commodity pool operator" for specified "eligible persons" with respect to their operation of certain "qualifying entities," provided those persons comply with certain conditions in operating those entities. On August 1, 2003, the Commission eliminated certain of those conditions from Rule 4.5 by removing paragraphs (c)(2)(i) and (c)(2)(ii) and redesignating paragraphs (c)(2)(iii) and (c)(2)(iv) as paragraphs (c)(2)(i) and (c)(2)(ii) of the rule.<sup>4</sup> At that time, however, the Commission did not also amend Rule 140.93 to make conforming changes to its references to Rule 4.5. To remedy this oversight, the final technical amendment the Commission is making is the correction in (newly redesignated) Rule 140.93(a)(4) to refer to Rule 4.5(c)(2)(ii).

## II. Need for Correction

As published, Rule 140.93 contains text which no longer is accurate. Thus, it is in need of correction.

## III. Related Matters

### A. The Administrative Procedure Act

The Commission finds that that Rule 140.93 relates solely to agency practice and procedure and that notice of proposed rulemaking and opportunity for public participation are not required. Thus, the Commission has determined to make the amendments to Rule 140.93 effective immediately. The forgoing is in accordance with the Administrative Procedure Act, as codified, 5 U.S.C. 553.<sup>5</sup>

### B. The Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601, *et seq.*, requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The RFA defines the term "rule" to mean "any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of this title \* \* \* for which the agency provides an opportunity for notice and public

the Commission to disapprove a change of fiscal year after a fiscal year has been chosen.

<sup>4</sup> 68 FR 47221 (August 8, 2003).

<sup>5</sup> See 46 FR 26003, 26013, (May 6, 1981).