May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Fort Worth Aircraft Certification Office (ACO), FAA. For information on any already approved alternative methods of compliance, contact Andrew D. McAnaul, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office (ACO), ASW–150, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150. Current duty station: San Antonio Manufacturing Inspection District Office (MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308–3365; facsimile: (210) 308–3370.

May I Get Copies of the Documents Referenced in This AD?

(g) To get copies of the documents referenced in this AD, contact Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC, or on the Internet at http://dms.dot.gov. The docket number is FAA–2004–19354. Published in the Federal Register, Volume 70, Number 42, pages 10517–10520, February 28, 2005.

David R. Showers,
Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; Precise Flight, Inc. Models SVS I and SVS IA Standby Vacuum Systems

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 airplanes equipped with Precise Flight, Inc. (Precise Flight) Models SVS I and SVS IA standby vacuum systems (SVS) installed under certain supplemental type certificates or through field approval. This proposed AD would require you to replace the airplane flight manual supplement (AFMS) in the airplane flight manual with the appropriate revision and install placards as defined in the AFMS, upgrade the Model SVS I or SVS IA SVS to the Model VI SVS, and add the instructions for continued airworthiness (ICA) to the maintenance schedule for the aircraft. This proposed AD results from several reports of failed shuttle control valves of the standby vacuum systems (SVS) and one report of an airplane crash with a fatality in which improper use of the SVS was a factor. We are issuing this proposed AD to correct problems with the SVS before failure or malfunction during instrument flight rules (IFR) flight that can lead to pilot disorientation and loss of control of the aircraft.

DATES: We must receive any comments on this proposed AD by April 29, 2005.

ADDRESSES: Use one of the following 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.
• Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
• Fax: 1–202–493–2251.
• 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.

To get the service information identified in this proposed AD, contact Precise Flight, Inc., 63120 Powell Butte Road, Bend Oregon 97701, telephone: (800) 547–2558; facsimile: (541) 388–1105; electronic mail: preciseflight@preciseflight.com; Internet: http://www.preciseflight.com/.

To view the comments to this proposed AD, go to http://dms.dot.gov. The docket number is FAA–2004–19354.


SUPPLEMENTARY INFORMATION:
Comments Invited

How do I comment on this proposed AD? We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under ADDRESSES. Include the docket number, “FAA–2004–19354; Directive Identifier 2004–CE–30–AD” at the beginning of your 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 rulemaking. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association,
The Docket Office (telephone 1–800–224–1222, Monday through Friday, except Federal holidays. Offices between 9 a.m. and 5 p.m. (eastern standard time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–667–4577 or you may visit http://dms.dot.gov).

Are there any specific portions of this proposed AD I should pay attention to? We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. If you contact us through a nonwritten communication and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received during the closing date and may amend this proposed AD in light of those comments and contacts.

Docket Information
Where can I go to view the docket information? You may view the AD docket that contains the proposal, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m. (eastern standard time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–477–78) or you may visit http://dms.dot.gov. You may also view the AD docket on the Internet at http://dms.dot.gov. The comments will be available in the AD docket shortly after the DMS receives them.

Discussion
What events have caused this proposed AD? The FAA has received several reports of problems on aircraft equipped with a Precise Flight, Inc. standby vacuum system (SVS). In particular, the reports show 14 incidents of failed shuttle control valves and one report of an airplane crash with a fatality where improper use of the SVS was a factor that caused us to issue AD 99–24–10, Amendment 39–11434 (64 FR 66747, November 30, 1999). AD 99–24–10 currently requires the following on all aircraft equipped with Precise Flight, Inc. Model SVS III standby vacuum systems installed under the applicable supplemental type certificate (STC) or through field approval:

- Incorporate revised operating limitations for the affected SVS into the airplane flight manual (AFM);
- Inspect (repetitively) the push-pull cable, vacuum lines, saddle fittings, and shuttle valve for correct installation and damage (wear, chafing, deterioration, and so forth); and
- Correct any discrepancy found and conduct a function test of the vacuum system after the inspections.

The SVS is intended to provide emergency vacuum power for aircraft instruments when the primary vacuum system fails. The design of the Precise Flight, Inc. Models SVS I and SVS IA SVS is similar to the Model SVS III SVS, and so it may not be able to provide sufficient vacuum power to correctly measure altitude and operate the vacuum instruments. The upgrade of the Models SVS I or IA SVS to the Model SVS VI SVS provides sufficient vacuum power to correctly measure altitude and operate the vacuum instruments.

Failure of the SVS in instrument flight rules (IFR) can lead to the pilot making incorrect decisions based on the data received from the instruments with consequent loss of control of the aircraft.

The Precise Flight, Inc. Models SVS I and SVS IA SVS are installed on aircraft through a supplemental type certificate (STC) or through field approval. The Applicability section of the proposed AD lists the applicable STCs and aircraft that could have these SVS installed. This list is not meant to be exhaustive nor does it include all aircraft with the systems installed through field approval.

What is the potential impact if FAA took no action? Failure or malfunction of the SVS during IFR flight can lead to pilot disorientation and loss of control of the aircraft.

Is there service information that applies to this subject? Precise Flight, Inc. has issued Installation Report No. 5080. Standby Vacuum System Model VI—Shuttle Valve S/N 10243 & Subsequent (Manual Valve), Revision A, dated February 21, 2001. This report provides instructions for the upgrade of the Models SVS I or SVS IA SVS to the Model VI SVS; and includes procedures for upgrading to the Model SVS VI SVS.

FAA’s Determination and Requirements of This Proposed AD

What has FAA decided? We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. For this reason, we are proposing AD action.

What would this proposed AD require? This proposed AD would require you to replace the airplane flight manual supplement (AFMS) in the airplane flight manual with the appropriate revision and install placards as defined in the AFMS, upgrade the Model SVS I or SVS IA SVS to the Model VI SVS, and add the instructions for continued airworthiness (ICA) to the maintenance schedule for the aircraft.

How does the revision to 14 CFR part 39 affect this proposed AD? On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA’s AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance
How many airplanes would this proposed AD impact? We estimate that this proposed AD affects 800 airplanes in the U.S. registry.

What would be the cost impact of this proposed AD on owners/operators of the affected airplanes? We estimate the following costs to replace the airplane flight manual supplement (AFMS) in the airplane flight manual with the appropriate revision. We have no way of determining the number of airplanes that may need this replacement:

<table>
<thead>
<tr>
<th>Labor cost</th>
<th>Parts cost</th>
<th>Total cost per airplane</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 work hour × $65 = $65</td>
<td>None</td>
<td>$65</td>
</tr>
</tbody>
</table>

We estimate the following costs to do any upgrade to the Model SVS VI SVS, install placards, and add the installation report including the instructions for continued airworthiness (ICA) to the maintenance schedule for the aircraft.

We have no way of determining the number of airplanes that may need this upgrade:
Regulatory Findings

Would this proposed AD impact various entities? 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.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed AD:

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 summary of the costs to comply with this proposed AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under ADDRESSES. Include “AD Docket FAA–2004–19354; Directorate Identifier 2004–CE–30–AD” in your request.

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 Federal Aviation Administration 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:

<table>
<thead>
<tr>
<th>Affected STC</th>
<th>Make and model/series aircraft</th>
</tr>
</thead>
<tbody>
<tr>
<td>SA2161NM</td>
<td>Raytheon Beech Model V35B.</td>
</tr>
<tr>
<td>SA2164NM</td>
<td>The Cessna Aircraft Company Model 180A.</td>
</tr>
<tr>
<td>SA2168NM</td>
<td>Learjet Inc. Model Learjet 24D.</td>
</tr>
</tbody>
</table>

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):


When Is the Last Date I Can Submit Comments on This Proposed AD?

(a) We must receive comments on this proposed airworthiness directive (AD) by April 29, 2005.

What Other ADs Are Affected by This Action?

(b) None.

What Airplanes Are Affected by This AD?

(c) This AD affects Models SVS and SVS IA standby vacuum systems (SVS), installed on, but not limited to, the following aircraft that are certified in any category. These systems can be installed under the applicable supplemental type certificate (STC) or through field approval:

<table>
<thead>
<tr>
<th>Affected STC</th>
<th>Make and model/series aircraft</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 work hour × $65 = $195</td>
<td>Labor cost</td>
</tr>
<tr>
<td>Affected STC</td>
<td>Make and model/series aircraft</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------------------</td>
</tr>
</tbody>
</table>
What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of several reports of failed shuttle control valves of the SVS and one report of an airplane crash with a fatality in which improper use of the SVS was a factor. The actions specified in this AD are intended to correct problems with the SVS before failure or malfunction during instrument flight rules (IFR) flight that can lead to pilot disorientation and loss of control of the aircraft.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

<table>
<thead>
<tr>
<th>Actions</th>
<th>Compliance</th>
<th>Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Incorporate the airplane flight manual supplement (AFMS) in the airplane flight manual with the appropriate revision in the FAA-approved airplane flight manual (AFM).</td>
<td>Within 30 days after the effective date of this AD, unless already done.</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>(i) The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may do the flight manual changes requirement of this AD.</td>
<td></td>
<td>Follow the Standby Vacuum System AFM SUPPLEMENT, dated February 4, 2000.</td>
</tr>
<tr>
<td>(ii) Make an entry in the aircraft records showing compliance with this portion of the AD following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).</td>
<td></td>
<td>Follow Precise Flight, Inc. Installation Report No. 08080, Standby Vacuum System Model VI—Shuttle Valve S/N 10243 &amp; Subsequent (Manual Valve), Revision A, dated February 21, 2001.</td>
</tr>
<tr>
<td>(2) Install placards described in the AFMS ................................</td>
<td>Before further flight after incorporating the AFM in the FAA-approved airplane flight manual (AFM) required by paragraph (e)(1) of this AD.</td>
<td></td>
</tr>
<tr>
<td>(3) Upgrade the Model SVS I or SVS IA SVS to the Model SVS VISVSVS, install the appropriate placards, and add the installation report including the instructions for continued airworthiness (ICA) to the maintenance schedule for the aircraft.</td>
<td>Within 1 year after the effective date of this AD, unless already done.</td>
<td></td>
</tr>
<tr>
<td>(4) Do not install any Model SVS I or SVS IA SVS without also doing the actions required by paragraphs (e)(1), (e)(2) and (e)(3) of AD.</td>
<td>As of the effective date of this this AD ...............</td>
<td>Not applicable.</td>
</tr>
</tbody>
</table>

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Seattle Aircraft Certification Office (ACO), FAA. For information on any already approved alternative methods of compliance, contact Ms. Marcia Smith, Aerospace Engineer, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW, Renton, Washington 98055–4065; telephone: (425) 917–6484; facsimile: (425) 917–6590.

May I Get Copies of the Documents Referenced in This AD?

(g) To get copies of the documents referenced in this AD, contact Precise Flight, Inc., 63120 Powell Butte Road, Bend Oregon 97701, telephone: (800) 547–2558; facsimile: (541) 388–1105; electronic mail: preciseflight@preciseflight.com; Internet: http://www.preciseflight.com/. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, S.W., Nassif Building, Room PL–401, Washington, DC, or on the Internet at http://dms.dot.gov. The docket number is FAA–2004–19354.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239, 240 and 274

[Release Nos. 33–8544; 34–51274; IC–26778; File No. S7–06–04]


Point of Sale Disclosure Requirements and Confirmation Requirements for Transactions in Mutual Funds, College Savings Plans, and Certain Other Securities, and Amendments to the Registration Form for Mutual Funds

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule; reopening of comment period and supplemental request for comment.

SUMMARY: The Securities and Exchange Commission (‘‘Commission’’) is reopening the comment period on proposed rules, published in January 2004, that would require broker-dealers to provide their customers with information regarding the costs and conflicts of interest that arise from the distribution of mutual fund shares, 529 college savings plan interests, and variable insurance products. The Commission also is supplementing its request for comments on the proposed rules to reflect issues raised by commenters, including feedback received from investors in in-depth interviews about revised forms for disclosing information at the point of sale. The Commission is publishing this supplemental request for comment and reopening the comment period to assure that the public has a full opportunity to address such issues in their comments.

DATES: Comments should be submitted on or before April 4, 2005.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission’s Internet comment form (http://www.sec.gov/rules/proposed.shtml); or
• Send an e-mail to rulecomments@sec.gov. Please include File Number S7–06–04 on the subject line; or