

**Boeing:** Docket 2003–NM–50–AD.

**Applicability:** Model 777–200 series airplanes, as listed in Boeing Service Bulletin 777–27–0057, dated August 22, 2002; certificated in any category.

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

To prevent damage to the stabilizer cutout circuit wires in the bundles due to contact between the bundles and the adjacent galley water drain tube and hydraulic tubes, which if followed by active fault in stabilizer command circuit, could result in undesired stabilizer motion that cannot be stopped, and could lead to loss of pitch control and loss of control of the airplane, accomplish the following:

#### Service Bulletin References

(a) The term “service bulletin,” as used in this AD, means the Accomplishment Instructions of Boeing Service Bulletin 777–27–0057, dated August 22, 2002.

#### Inspection

(b) Within 18 months of the effective date of this AD, perform a one-time general visual inspection of the wire bundles that route aft of electrical disconnect panel AC2162 to determine their installation and separation, in accordance with 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.”

(c) If wire bundles are installed in accordance with the service bulletin, no further action is required by this AD.

#### Corrective Action

(d) If any wire bundle is not installed in accordance with the service bulletin: Before further flight, perform the actions specified in paragraphs (d)(1) and (d)(2) of this AD.

(1) Perform a detailed inspection of the wire bundle for damage, and repair all damage, in accordance with the service bulletin.

**Note 2:** For the purposes of this AD, a detailed inspection is defined as: “An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.”

(2) Add clamps or tie strips to secure the wire bundles in accordance with the service bulletin.

#### Alternative Methods of Compliance

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

Issued in Renton, Washington, on November 17, 2003.

**Kalene C. Yanamura,**

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

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**BILLING CODE 4910–13–P**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 36

#### Exempt Commercial Markets

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commodity Futures Trading Commission (“Commission”) is proposing two actions relating to electronic trading facilities that operate in reliance on the exemption in section 2(h)(3) of the Commodity Exchange Act (“the Act”). First, the Commission is proposing to amend Rule 36.3(b), which governs Commission access to information regarding transactions on such trading facilities, to provide for access to more relevant and useful information from all such markets. Second, the Commission is proposing rules that would require those electronic trading facilities that operate in reliance on the exemption in section 2(h)(3) and that perform a significant price discovery function for transactions in the underlying cash market to publicly disseminate certain specified trading data. These price discovery rules are being proposed pursuant to section 2(h)(4) of the Act, which authorizes the Commission to prescribe rules and regulations to ensure timely dissemination by such trading facilities of price, trading volume, and other trading data to the extent appropriate.

**DATES:** Comments must be received by January 26, 2004.

**ADDRESSES:** Comments should be sent to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, attention: Office of the Secretariat. Comments may be sent by facsimile transmission to 202–418–5521 or, by e-mail to [secretary@cftc.gov](mailto:secretary@cftc.gov). Reference should be made to “Proposed Rules for Exempt Commercial Markets.”

**FOR FURTHER INFORMATION CONTACT:** Nancy E. Yanofsky, Chief Counsel

(telephone 202–418–5292, e-mail [nyanofsky@cftc.gov](mailto:nyanofsky@cftc.gov)), or Don Heitman, Senior Special Counsel (telephone 202–418–5041, e-mail [dheitman@cftc.gov](mailto:dheitman@cftc.gov)), Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, NW., Washington, DC 20581.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Commodity Futures Modernization Act of 2000 (“CFMA”), Pub. L. 106–554, created an exemption from the Commission’s jurisdiction for transactions conducted on certain electronic commercial markets (“exempt commercial markets,” “ECMs” or “§ 2(h)(3) markets”). Specifically, § 2(h)(3) of the Act provides that, except to the extent provided in § 2(h)(4), nothing in the Act shall apply to a transaction in an exempt commodity<sup>1</sup> that is: (a) Entered into on a principal-to-principal basis solely between persons that are eligible commercial entities at the time the persons enter into the agreement, contract, or transaction; and (b) executed or traded on an electronic trading facility. Section 2(h)(4) provides that a transaction described in § 2(h)(3) shall be subject to certain specified provisions of the Act, such as the Act’s antimanipulation and antifraud provisions, and furthermore, that such transactions shall be subject to price dissemination rules if the electronic trading facility serves a significant price discovery function for the underlying cash market. Section 2(h)(5) requires an electronic trading facility relying on the exemption in § 2(h)(3) to provide the Commission with certain information and to comply with information access provisions set out in § 2(h)(5)(B)(i).

##### II. Information Access Provisions

Section 2(h)(5)(B)(i) of the Act requires an electronic trading facility relying on the exemption provided in § 2(h)(3) to provide the Commission with information regarding trading activity on the facility. The statute establishes two alternatives for providing that information:

(I) provide the Commission with access to the facility’s trading protocols and electronic access to the facility with respect to transactions conducted in reliance on the exemption set forth in paragraph (3); or

(II) provide such reports to the Commission regarding transactions executed on the facility in reliance on the exemption set forth

<sup>1</sup> Under the Act, exempt commodities generally are tangible, non-agricultural commodities and include energy and metals products. See § 1a(14) of the Act, 7 U.S.C. 1a(14).