

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

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

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

**The Proposed Amendment**

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

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by adding the following new AD:

**The Boeing Company:** Docket No. FAA–2010–1042; Directorate Identifier 2010–NM–094–AD.

**Comments Due Date**

(a) We must receive comments by December 20, 2010.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to The Boeing Company airplanes, certificated in any category, as identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

(1) Model 737–700, –700C, –800, –900ER series airplanes, as identified in Boeing Alert Service Bulletin 737–35A1121, dated December 14, 2009.

(2) Model 747–400F series airplanes, as identified in Boeing Alert Service Bulletin 747–35A2126, dated October 8, 2009.

(3) Model 767–200 and –300 series airplanes, as identified in Boeing Alert Service Bulletin 767–35A0057, dated October 8, 2009.

**Subject**

(d) Air Transport Association (ATA) of America Code 35: Oxygen.

**Unsafe Condition**

(e) This AD results from reports indicating that certain crew oxygen mask stowage box units were possibly delivered with a burr in the inlet fitting. The Federal Aviation Administration is issuing this AD to prevent an ignition source, which could result in an oxygen-fed fire; or could cause an inlet valve

to jam in an oxygen mask stowage box unit, which could result in restricted flow of oxygen.

**Compliance**

(f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Inspection and Corrective Action**

(g) Within 24 months after the effective date of this AD: Do a general visual inspection to determine if the serial number of the crew oxygen mask stowage box units is identified in the Appendix of Intertechnique Service Bulletin MXP1/4–35–175, dated September 11, 2009, in accordance with the Accomplishment Instructions of the applicable Boeing Alert Service Bulletin listed in Table 1 of this AD. A review of airplane maintenance records is acceptable in lieu of this inspection if the serial number of the crew oxygen mask stowage box units can be conclusively determined from that review. If any crew oxygen mask stowage box unit has a serial number identified in the Appendix of Intertechnique Service Bulletin MXP1/4–35–175, dated September 11, 2009: Before further flight, replace the crew oxygen mask stowage box unit with a new unit, in accordance with the Accomplishment Instructions of the applicable Boeing alert service bulletin listed in Table 1 of this AD.

TABLE 1—SERVICE INFORMATION

Boeing airplane model	Document	Date
737–700, –700C, –800, –900ER series airplanes .....	Boeing Alert Service Bulletin 737–35A1121 .....	December 14, 2009.
747–400F series airplanes .....	Boeing Alert Service Bulletin 747–35A2126 .....	October 8, 2009.
767–200 and –300 series airplanes .....	Boeing Alert Service Bulletin 767–35A0057 .....	October 8, 2009.

**Parts Installation**

(h) As of the effective date of this AD, no person may install a crew oxygen mask stowage box unit identified in the Appendix of Intertechnique Service Bulletin MXP1/4–35–175, dated September 11, 2009, on any airplane.

**Alternative Methods of Compliance (AMOCs)**

(i)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Susan L. Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6457; fax (425) 917–6590. Information may be e-mailed to: 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI),

as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

Issued in Renton, Washington, on October 26, 2010.

**Ali Bahrami,**

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

[FR Doc. 2010–27745 Filed 11–2–10; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA–2010–1099; Directorate Identifier 2010–CE–054–AD]**

**RIN 2120–AA64**

**Airworthiness Directives; Piaggio Aero Industries S.p.A Model PIAGGIO P–180 Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation

product. The MCAI describes the unsafe condition as:

Compass mismatch (up to loss of heading information) were reported by operators, due to ferro-magnetic masses (like the telescopic Tow-Bar) stowed in the baggage compartment. A limitation was added to the approved Airplane Flight Manual, stating that the towing bar P/N 01-1227-0000 or similar ferromagnetic masses are prohibited to be carried in the baggage compartment.

Temporary Change No. 7 to the Pilot's Operating Handbook and EASA Approved Airplane Flight Manual Rep. 6591, issued: February 24, 2009, include MCAI that has maintenance requirements and/or airworthiness limitations developed by Piaggio Aero Industries S.p.A. and Piaggio Aero Industries. These revisions are approved and considered mandatory by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community. Failure to comply with the MCAI constitutes an unsafe condition. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by December 20, 2010.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Piaggio Aero Industries S.p.A., Via Cibrario, 4-16154 Genoa, Italy; phone: +39 010 6481 353; fax: +39 010 6481 881; email: [airworthiness@piaggioaero.it](mailto:airworthiness@piaggioaero.it); Internet: <http://www.piaggioaero.com>. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816-329-4148.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the

Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2010-1099; Directorate Identifier 2010-CE-054-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

##### Discussion

Piaggio Aero Industries S.p.A. and Piaggio Aero Industries have issued service information (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The service information and limitations are considered mandatory by the EASA, which is the Technical Agent for the Member States of the European Community. The MCAI states:

Compass mismatch (up to loss of heading information) were reported by operators, due to ferro-magnetic masses (like the telescopic Tow-Bar) stowed in the baggage compartment. A limitation was added to the approved Airplane Flight Manual, stating that the towing bar P/N 01-1227-0000 or similar ferromagnetic masses are prohibited to be carried in the baggage compartment.

Temporary Change No. 7 to the Pilot's Operating Handbook and EASA Approved Airplane Flight Manual Rep. 6591, issued: February 24, 2009, include MCAI that has maintenance requirements and/or airworthiness

limitations developed by Piaggio Aero Industries S.p.A. and Piaggio Aero Industries. These revisions are approved and considered mandatory by the EASA, which is the Technical Agent for the Member States of the European Community. Ferro-magnetic masses stowed in the baggage compartment may cause an erroneous indication from the compass (loss of heading information), which could result in loss of control of the airplane. The MCAI requires incorporating a temporary change to the airplane flight manual and placard installation. You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Piaggio Aero Industries S.p.A. has issued Service Bulletin (Mandatory) N.: SB 80-0275, Rev. N. 0, dated June 15, 2009, and Piaggio Aero Industries has issued P180-Service Letter No. SL-80-0202, dated January 30, 2009. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between This Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the proposed AD.

## Costs of Compliance

We estimate that this proposed AD will affect 100 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$50 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$13,500, or \$135 per product.

## 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 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.

For the reasons discussed above, I certify this proposed regulation:

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 regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

**Piaggio Aero Industries S.p.A.:** Docket No. FAA-2010-1099; Directorate Identifier 2010-CE-054-AD.

### Comments Due Date

(a) We must receive comments by December 20, 2010.

### Affected ADs

(b) None.

### Applicability

(c) This AD applies to Piaggio Aero Industries S.p.A. Model PIAGGIO P-180 airplanes, all manufacturer serial numbers (MSN), certificated in any category.

### Subject

(d) Air Transport Association of America (ATA) Code 50: Cargo and Accessory Compartments.

### Reason

(e) The mandatory continuing airworthiness information (MCAI) states: Compass mismatch (up to loss of heading information) were reported by operators, due to ferro-magnetic masses (like the telescopic Tow-Bar) stowed in the baggage compartment. A limitation was added to the approved Airplane Flight Manual, stating that the towing bar P/N 01-1227-0000 or similar ferromagnetic masses are prohibited to be carried in the baggage compartment. Temporary Change No. 7 to the Pilot's Operating Handbook and EASA Approved Airplane Flight Manual Rep. 6591, issued: February 24, 2009, include MCAI that has maintenance requirements and/or airworthiness limitations developed by Piaggio Aero Industries S.p.A. and Piaggio Aero Industries. These revisions are approved and considered mandatory by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community. Failure to comply with the MCAI constitutes an unsafe condition. The MCAI requires incorporating a temporary change to the airplane flight manual and placard installation.

## Actions and Compliance

(f) Unless already done, within 5 flights after the effective date of this AD, do the following actions:

(1) *For MSN 1004 through 1104:* Incorporate Temporary Change No. 7 to the Pilot's Operating Handbook and EASA Approved Airplane Flight Manual Rep. 6591, issued: February 24, 2009, in the Limitations Section following Piaggio Aero Industries S.p.A. Service Bulletin (Mandatory) N.: SB 80-0275, Rev. N. 0, dated June 15, 2009.

(2) *For MSN 1105 and subsequent:* Incorporate Temporary Change No. 11 to the EASA Approved Airplane Flight Manual Rep. 180-MAN-0010-01100, issued: February 24, 2009, in the Limitations Section following Piaggio Aero Industries S.p.A. Service Bulletin (Mandatory) N.: SB 80-0275, Rev. N. 0, dated June 15, 2009, and Piaggio Aero Industries P180-Service Letter No. SL-80-0202, dated January 30, 2009.

(3) *All MSN:* Install the part number 80K347593-005 limitation placard in the front of the baggage compartment door following Piaggio Aero Industries S.p.A. Service Bulletin (Mandatory) N.: SB 80-0275, Rev. N. 0, dated June 15, 2009.

## FAA AD Differences

**Note:** This AD differs from the MCAI and/or service information as follows: Revisions and changes to the Limitations Section of the AFM are mandatory in Europe as part of the European regulatory process upon issuance by the type certificate holder. The FAA must mandate any such changes through rulemaking, specifically in this case an airworthiness directive.

## Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4145; fax: (816) 329-4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current

valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave., SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES-200.

#### Related Information

(h) Refer to Piaggio Aero Industries S.p.A. Service Bulletin (Mandatory) N.: SB 80-0275, Rev. N. 0, dated June 15, 2009, and Piaggio Aero Industries P180-Service Letter No. SL-80-0202, dated January 30, 2009, for related information. For service information related to this AD, contact Piaggio Aero Industries S.p.A., Via Cibrario, 4-16154 Genoa, Italy; phone: +39 010 6481 353; fax: +39 010 6481 881; email: [airworthiness@piaggioaero.it](mailto:airworthiness@piaggioaero.it); Internet: <http://www.piaggioaero.com>. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816-329-4148.

Issued in Kansas City, Missouri, on October 28, 2010.

#### John Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010-27723 Filed 11-2-10; 8:45 am]

BILLING CODE 4910-13-P

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Parts 1 and 30

RIN 3038-AC15

#### Investment of Customer Funds and Funds Held in an Account for Foreign Futures and Foreign Options Transactions

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commodity Futures Trading Commission (Commission or CFTC) is proposing to amend its regulations regarding the investment of customer segregated funds and funds held in an account subject to Commission Regulation 30.7 (30.7 funds). Certain amendments reflect the implementation of new statutory provisions enacted under Title IX of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The proposed rules address: Certain changes to the list of permitted investments, a clarification

of the liquidity requirement, the removal of rating requirements, an expansion of concentration limits including asset-based, issuer-based, and counterparty concentration restrictions. It also addresses revisions to the acknowledgment letter requirement for investment in a money market mutual fund (MMMF), revisions to the list of exceptions to the next-day redemption requirement for MMMFs, the application of customer segregated funds investment limitations to 30.7 funds, the removal of ratings requirements for depositories of 30.7 funds, and the elimination of the option to designate a depository for 30.7 funds.

**DATES:** Comments must be received on or before December 3, 2010.

**ADDRESSES:** You may submit comments, identified by RIN number, by any of the following methods:

- *Agency Web site, via its Comments Online process:* <http://comments.cftc.gov>. Follow the instructions for submitting comments through the Web site.

- *Mail:* David A. Stawick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

- *Hand Delivery/Courier:* Same as mail above.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that may be exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the established procedures in CFTC Regulation 145.9.<sup>1</sup>

#### FOR FURTHER INFORMATION CONTACT:

Phyllis P. Dietz, Associate Director, 202-418-5449, [pdietz@cftc.gov](mailto:pdietz@cftc.gov), or Jon DeBord, Attorney-Advisor, 202-418-5478, [jdebord@cftc.gov](mailto:jdebord@cftc.gov), or Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1151 21st Street, NW., Washington, DC 20581.

#### SUPPLEMENTARY INFORMATION:

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## I. Background

### A. Regulation 1.25

Under Section 4d(a)(2) of the Commodity Exchange Act (Act),<sup>2</sup> the investment of customer segregated funds is limited to obligations of the United States and obligations fully guaranteed as to principal and interest by the United States (U.S. government securities), and general obligations of any State or of any political subdivision thereof (municipal securities). Pursuant to authority under Section 4(c) of the Act,<sup>3</sup> the Commission substantially expanded the list of permitted investments by amending Commission Regulation 1.25<sup>4</sup> in December 2000 to permit investments in general obligations issued by any enterprise sponsored by the United States (government sponsored enterprise securities or GSE securities), bank certificates of deposit (CDs), commercial paper, corporate notes,<sup>5</sup> general obligations of a sovereign nation, and interests in MMMFs.<sup>6</sup> In connection

<sup>2</sup> 7 U.S.C. 6d(a)(2).

<sup>3</sup> 7 U.S.C. 6(c).

<sup>4</sup> 17 CFR 1.25.

<sup>5</sup> This category of permitted investment was later amended to read "corporate notes or bonds." See 70 FR 28190, 28197 (May 17, 2005).

<sup>6</sup> See 65 FR 77993 (Dec. 13, 2000) (publishing final rules); and 65 FR 82270 (Dec. 28, 2000) (making technical corrections and accelerating