

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding the following new airworthiness directive:

2001-17-21 McDonnell Douglas:

Amendment 39-12412. Docket 2001-NM-47-AD.

Applicability: Model 717 series airplanes, manufacturer's fuselage numbers 5004 through 5036 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the rod ends of the spoiler hold-down actuators due to fatigue, which could result in loss of the back-up protection of the spoiler float hold-down and unavailability of monitoring for an uncommanded spoiler movement, accomplish the following:

General Visual Inspection

(a) Within 450 flight hours after the effective date of this AD, do a general visual inspection of the rod ends of the spoiler hold-down actuators of the inboard and outboard spoilers for breakage along the intersection of the thread runout and the outer spherical surface of the lug, per Boeing Alert Service Bulletin 717-27A0010, dated August 15, 2000.

Note 2: 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 under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, 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."

Condition 1 (No Breakage Present)

(1) If no breakage is present, repeat the general visual inspection every 450 flight hours.

Condition 2 (Breakage Present)

(2) If any breakage is present, before further flight, replace the broken rod end of the spoiler hold-down actuator with a new rod end, per Boeing Alert Service Bulletin 717-27A0010, dated August 15, 2000; or Boeing Service Bulletin 717-27-0013, dated January 30, 2001, or Revision 01, dated February 28, 2001. As of the effective date of this AD, the replacement shall be done per Boeing Service Bulletin 717-27-0013, Revision 01, dated February 28, 2001. For rod ends that have been replaced per Boeing Alert Service Bulletin 717-27A0010, dated August 15, 2000, repeat the general visual inspection thereafter every 450 flight hours. Accomplishment of this replacement per Boeing Service Bulletin 717-27-0013 constitutes terminating action for the requirements of this AD for that rod end.

Terminating Action

(b) Within 15 months or 3,600 flight hours after the effective date of this AD, whichever occurs first, replace the rod ends of the spoiler hold-down actuators with new rod ends, and reidentify the spoiler hold-down actuators, per Boeing Service Bulletin 717-27-0013, dated January 30, 2001, or Revision 01, dated February 28, 2001. Accomplishment of this replacement and reidentification constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with Boeing Alert Service Bulletin 717-27A0010, dated August 15, 2000; Boeing

Service Bulletin 717-27-0013, dated January 30, 2001; or Boeing Service Bulletin 717-27-0013, Revision 01, dated February 28, 2001, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on October 1, 2001.

Issued in Renton, Washington, on August 17, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-21396 Filed 8-24-01; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2000-NM-45-AD; Amendment 39-12301; AD 2001-13-19]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, -314, and -315 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects information in an existing airworthiness directive (AD) that applies to all Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, -314, and -315 series airplanes. That AD currently requires revising the Bombardier maintenance program to incorporate repetitive inspections to detect fatigue cracking in certain structures; and corrective actions, if necessary. This document corrects certain airplane models specified in Table 1 of the final rule. This correction is necessary to ensure that operators are notified of the correct airplane models, as specified in Canadian airworthiness directive CF-2000-07, dated March 3, 2000, and de Havilland Temporary Revision TR AWL 2-15, dated September 3, 1999.

DATES: Effective August 10, 2001.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of August 10, 2001 (66 FR 35538, July 6, 2001).

FOR FURTHER INFORMATION CONTACT:

Serge Napoleon, Aerospace Engineer, ANE-171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7512; fax (516) 568-2716.

SUPPLEMENTARY INFORMATION: On June 26, 2001, the Federal Aviation Administration (FAA) issued AD 2001-13-19, amendment 39-12301 (66 FR 35538, July 6, 2001), which applies to all Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, -314, and -315 series airplanes. That AD requires revising the Bombardier maintenance program to incorporate repetitive inspections to detect fatigue cracking in certain structures; and corrective actions, if necessary. That AD was prompted by issuance of mandatory continuing airworthiness information issued by a foreign airworthiness authority. The actions required by that AD are intended to ensure that fatigue cracking of certain principal structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

Need for the Correction

The FAA notes that paragraph (a)(1), Table 1, of AD 2001-13-19, contains an error in referencing certain airplane models for the effectivity of de Havilland Temporary Revision TR AWL 2-15, dated September 3, 1999. Our intent was to specify the airplane models referenced in TR AWL 2-15 as only Models DHC-8-201 and -202 series airplanes. We also note that

Canadian airworthiness directive CF-2000-07, dated March 3, 2000, as referenced in AD 2001-13-19, specifies only Model DHC-8-201 and -202 series airplanes for the effectivity of TR AWL 2-15. We have revised Table 1 of this AD accordingly.

The FAA has determined that the correction to Table 1 in paragraph (a)(1) of this AD is necessary. The correction will ensure that operators are notified of the correct airplane models that must be inspected, as required by this AD.

Correction of Publication

This document corrects the error and correctly adds the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The AD is reprinted in its entirety for the convenience of affected operators. The effective date of the AD remains August 10, 2001.

Since this action only corrects the airplane models as specified by Canadian airworthiness directive CF-2000-07 and TR AWL 2-15, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subject in 14 CFR Part 39

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

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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 [Corrected]

2. Section 39.13 is amended by correctly adding the following airworthiness directive (AD):

2001-13-19 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39-12301. Docket 2000-NM-45-AD.

Applicability: Model DHC-8-102, -103, -106, -201, -202, -301, -311, -314, and -315 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure continued structural integrity of these airplanes, accomplish the following:

(a) Within 30 days after the effective date of this AD, accomplish the actions required by either paragraph (a)(1) or (a)(2) of this AD, as applicable.

Maintenance Program Revisions

(1) Revise the Bombardier maintenance program by incorporating the threshold and repetitive inspection intervals specified in the Temporary Revisions (TR's) to the DHC-8 Maintenance Program Manuals, Airworthiness Limitations List (AWL), Structural Inspection Program Task No. 5310/31A, into the Bombardier maintenance program. The TR's for specific airplane models are listed in Table 1, as follows:

TABLE 1.—LIST OF TEMPORARY REVISIONS

Bombardier models	TR Number	Date
DHC-8-102, -103, and -106 series airplanes	TR AWL-71	September 3, 1999.
DHC-8-201 and -202 series airplanes	TR AWL 2-15	September 3, 1999.
DHC-8-301, -311, -314, and -315 series airplanes	TR AWL 3-78	November 19, 1999.

Note 2: When the TR documents listed in Table 1 in paragraph (a)(1) of this AD are incorporated into the general revisions of the DHC-8 Maintenance Program Manual, you may insert the general revisions into the Bombardier maintenance program, provided that the information contained in the general

revisions is identical to that specified in the TR documents.

Structural Inspections

(2) For airplanes having closing angles that are identified as principal structural elements: Do the inspections specified by the applicable TR listed in Table 1 of paragraph

(a) of this AD. Thereafter, repeat the inspection at intervals not to exceed 10,000 flight cycles at the time specified in paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this AD, as applicable.

(i) For airplanes that have accumulated less than 8,000 flight cycles as of the effective date of this AD: Do the threshold inspection

prior to the accomplishment of 10,000 flight cycles, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later.

(ii) For airplanes that have accumulated 8,000 flight cycles or more as of the effective date of this AD: Do the threshold inspection within 2,000 flight cycles after the effective date of this AD.

(iii) For airplanes on which a 40,000 flight cycle inspection specified by the applicable TR listed in Table 1 of paragraph (a) of this AD has been done: Start the 10,000 flight cycle repetitive inspection at the time specified by paragraph (a)(2)(iii)(A) or (a)(2)(iii)(B) of this AD, as applicable.

(A) If no cracks were found, start the cycle from the date of the 40,000 flight cycle inspection.

(B) If cracks have been found and the closing angles have been replaced as provided in paragraph (b) of this AD, start the cycle from the date of the replacement.

Corrective Actions

(b) If any crack is detected during any structural inspection required by paragraph (a)(2) of this AD, before further flight, repair any such cracking or replace the closing angles per a method approved by the Manager, New York Aircraft Certification Office (ACO), FAA; or the Transport Canada Civil Aviation (or its delegated agent). For a repair or replacement method to be approved by the Manager, New York ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

(c) Except as provided by paragraph (d) of this AD: After the actions specified in paragraphs (a) and (b) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified by the documents listed in Table 1 of paragraph (a)(1) of this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(f) Except as provided in paragraph (b) of this AD, the actions shall be done in accordance with de Havilland Temporary Revision TR AWL-71, dated September 3, 1999; de Havilland Temporary Revision TR AWL 2-15, dated September 3, 1999; and de

Havilland Temporary Revision TR AWL 3-78, dated November 19, 1999. This incorporation by reference was approved previously by the Director of the Federal Register as of August 10, 2001. Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York ACO, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Canadian airworthiness directive CF-2000-07, dated March 3, 2000.

Effective Date

(g) The effective date of this amendment remains August 10, 2001.

Issued in Renton, Washington, on August 20, 2001.

Vi L. Lipski,

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

[FR Doc. 01-21490 Filed 8-24-01; 8:45 am]

BILLING CODE 4910-13-P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 41 and 140

RIN 3038-AB82

Designated Contract Markets in Security Futures Products: Notice-Designation Requirements, Continuing Obligations, Applications for Exemptive Orders, and Exempt Provisions

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rulemaking.

SUMMARY: The Commodity Futures Trading Commission hereby adopts new regulations providing notice procedures for a national securities exchange, a national securities association, or an alternative trading system to become a designated contract market in security futures products, in accordance with the Commodity Futures Modernization Act of 2000. Such notice-designated contract markets would be subject to certain limited filing requirements, based on various provisions of the Commodity Exchange Act. Notice-designated contract markets may apply for exemptive relief from any section of the Commodity Exchange Act or regulations thereunder, to the extent such an exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.

EFFECTIVE DATE: August 21, 2001.

FOR FURTHER INFORMATION CONTACT:

Joshua R. Marlow, Attorney-Advisor, or David P. Van Wagner, Associate Director, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, (202) 418-5490, electronic mail: jmarlow@cftc.gov or dvanwagner@cftc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Commodity Futures Modernization Act of 2000 ("CFMA")¹ amended the Commodity Exchange Act ("Act") to permit the trading of security futures products,² subject to the joint jurisdiction of the Commodity Futures Trading Commission ("Commission" or "CFTC") and the Securities and Exchange Commission ("SEC").³ Security futures products may be traded on any board of trade either designated as a contract market ("DCM") by the Commission pursuant to section 5 of the Act or registered with the Commission as a derivatives transaction execution facility ("DTF") pursuant to section 5a of the Act.⁴

Alternatively, section 5f of the Act permits certain entities that are otherwise regulated by the SEC to become designated contract markets for the limited purpose of trading security futures products.⁵ Specifically, any board of trade registered with the SEC as a national securities exchange pursuant to section 6(a) of the '34 Act or as a national securities association

¹ Pub. L. 106-554, 114 Stat. 2763 (December 21, 2000).

² The term "security futures product" is defined in section 1a(32) of the Act to mean "a security future or any put, call, straddle, option, or privilege on any security future." The term "security future" is defined in section 1a(31) of the Act and specifically excludes, among other things, "excluded swap transactions" (as defined in section 2(g) of the Act). Because the CFMA also provides that options on security futures cannot be traded until at least December 21, 2003, security futures are the only security futures products that may be available for trading before such date. See section 2(a)(1)(D)(iii)(II) of the Act.

³ See section 251(a)(2) of the CFMA. Prior to passage of the CFMA, section 2(a)(1)(B)(v) of the Act prohibited the trading of security futures products.

⁴ The CFMA prescribes certain dates before which trading in security futures products shall not commence. Specifically, trading on a principal-to-principal basis between eligible contract participants ("ECPs") was not permissible prior to August 21, 2001, and retail trading may not begin until December 21, 2001. However, both of these dates are conditioned upon the registration of a futures association as a national securities association under the Securities Exchange Act of 1934 ("34 Act"). See section 202(a)(5) of the CFMA and section 6(g)(5) of the '34 Act.

⁵ See section 252(a)(2) of the CFMA.