

(AD), amendment 39-9948, to read as follows:

97-05-04 Airbus Industrie: Amendment 39-9948. Docket 96-NM-11-AD. Supersedes AD 91-01-01, Amendment 39-6845.

**Applicability:** Model A320 series airplanes; on which a generator control unit (GCU) having part number (P/N) 520915 has not been installed, or on which Airbus Modification 21052 (reference Airbus Service Bulletin A320-24-1022) and Airbus Modification 21736 (reference Airbus Service Bulletin A320-24-1035) have not been accomplished; 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 loss of the standby emergency generation system, which provides necessary back-up capability when both main generators fail, accomplish the following:

**Note 2:** Airbus Service Bulletin A320-24-1035 and Airbus Service Bulletin A320-24-1022 refer to Vickers Service Bulletin No. 520754-24-01 as an additional source of specific procedural information.

(a) For Model A320-111, -211, and -231 series airplanes; having serial numbers 003

through 058, inclusive, 060 through 067, inclusive, 069 through 072, inclusive, 074 through 083, inclusive, and 085: Within 150 days after January 28, 1991 (the effective date of AD 91-01-01, amendment 39-6845), remove one generator control unit (GCU) identified as 1XE part number (P/N) 520754, and install a modified GCU identified as 1XE, P/N 520915, in accordance with Airbus Service Bulletin A320-24-1035, Revision 1, dated February 27, 1990, or Revision 2, dated June 24, 1994. Following installation, perform an operational test of the emergency generation system, emergency GCU from the centralized fault display system, and the static inverter, in accordance with the service bulletin.

(b) For airplanes not subject to paragraph (a) of this AD: Within 150 days after the effective date of this AD, accomplish either paragraph (b)(1) or (b)(2) of this AD, as applicable.

**Note 3:** Replacement of the GCU accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletin A320-24-1035, Revision 1, dated February 27, 1990, is considered acceptable for compliance with the actions specified in this paragraph.

(1) For airplanes equipped with GCU 1XE having P/N 520754: Replace the GCU 1XE, having P/N 520754, in zone 125 of the avionics compartment, with a modified GCU 1XE, having P/N 520915, in accordance with Airbus Service Bulletin A320-24-1035, Revision 2, dated June 24, 1994. Prior to further flight following accomplishment of the replacement, perform an operational test of the affected components in accordance with that service bulletin.

(2) For airplanes equipped with GCU 1XE having P/N 520738: Accomplish the requirements of paragraphs (b)(2)(i) and (b)(2)(ii) of this AD:

(i) Modify the wiring in relay box 103VU, the wiring in power center AC/DC emergency

106VU, and the wiring between 103VU and 106VU, in accordance with Airbus Service Bulletin A320-24-1022, Revision 1, dated February 27, 1990.

**Note 4:** Modification accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletin A320-24-1022, dated June 16, 1989, is considered acceptable for compliance with this paragraph.

(ii) After modifying the wiring, replace the GCU 1XE, having P/N 520738, located in the nose gear well in zone 125, with a modified GCU 1XE, having P/N 520915, in accordance with Airbus Service Bulletin A320-24-1035, Revision 2, dated June 24, 1994. Prior to further flight following accomplishment of the replacement, perform an operational test of the affected components in accordance with that service bulletin.

(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, Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

**Note 5:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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.

(e) The actions shall be done in accordance with the following Airbus Service Bulletins, which contain the specified lists effective pages:

| Service bulletin number and date                  | Page No.                     | Revision level shown on page | Date shown on page |
|---|------------------------------|------------------------------|--------------------|
| A320-24-1035, Revision 1, February 27, 1990 ..... | 1, 2 .....                   | 1 .....                      | February 27, 1990. |
|   | 3, 4 .....                   | Original .....               | October 20, 1989.  |
| A320-24-1035, Revision 2, June 24, 1994 .....     | 1-4 .....                    | 2 .....                      | June 24, 1994.     |
| A320-24-1022, Revision 1, February 27, 1990 ..... | 1, 5, 6, 13, 14, 19-21 ..... | 1 .....                      | February 27, 1990. |
|   | 2-4, 7-12, 15-18, 22 .....   | Original .....               | June 16, 1989.     |

The incorporation by reference of the service documents listed above is 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on April 3, 1997.

Issued in Renton, Washington, on February 20, 1997.

James V. Devany,  
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.  
[FR Doc. 97-4715 Filed 2-26-97; 8:45 am]

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**14 CFR Part 39**

[Docket No. 96-NM-116-AD; Amendment 39-9949; AD 97-05-05]

RIN 2120-AA64

**Airworthiness Directives; Dornier Model 328-100 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328-100 series airplanes, that requires a

one-time check of the clearance between certain braces that connect the wings to the fuselage and the frame to which the top fairing is attached; and modification of the frame's Z-profile if the clearance is insufficient to prevent the braces from coming in contact with the frame. In addition, this amendment requires a one-time check of these braces to detect damage or wear; and repair, if necessary. This amendment is prompted by a report indicating that insufficient clearance between these braces and the frame could result in wear and consequent breaking of the braces. The actions specified by this AD are intended to prevent failure of these braces, which could result in unstable movement of the wings in relation to the fuselage and adversely affect the aerodynamic characteristics of the wings.

**DATES:** Effective April 3, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 3, 1997.

**ADDRESSES:** The service information referenced in this AD may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Connie Beane, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2796; fax (206) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328-100 series airplanes was published in the Federal Register on December 13, 1996 (61 FR 65492). That action proposed to require a check of the clearance between the diagonal braces on the left and right wings and the frame to which the top fairing is attached; and modification of the frame's Z-profile if there is not a certain minimum clearance between each brace and the frame. In addition, that action also proposed to require a check of these braces to detect damage or wear resulting from contact between each brace and the frame.

Interested persons have been afforded an opportunity to participate in the

making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

#### Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

The FAA estimates that 5 Dornier Model 328-100 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$1,200, or \$240 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

#### Regulatory Impact

The regulations adopted herein will not have substantial direct effects 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. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### 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:

97-05-05—Dornier: Amendment 39-9949. Docket 96-NM-116-AD.

*Applicability:* Model 328-100 series airplanes having serial numbers 3005 through 3014 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 otherwise 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 (b) 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 diagonal braces that connect the left and right wings to the fuselage, which could result in unstable movement of the wings and adversely affect the aerodynamic characteristics of the wings, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform the actions required by paragraphs (a)(1) and (a)(2) of this AD.

(1) Check the clearance between the diagonal braces that connect the left and right wings to the fuselage and the Z-profile of the frame to which the top fairing is attached, in accordance with Dornier Service Bulletin SB-328-53-051, dated August 16, 1994.

(i) If the clearance meets or exceeds the minimum limits specified in the service bulletin, no further action is required by paragraph (a)(1) of this AD.

(ii) If the clearance is less than the minimum limits specified in the service bulletin, prior to further flight, modify the Z-profile of the frame to which the top fairing is attached, in accordance with the service bulletin.

(2) Check each diagonal brace for damage or wear, in accordance with the service bulletin.

(i) If no damage or wear is detected, no further action is required by paragraph (a)(2) of this AD.

(ii) If any damage or wear is detected, prior to further flight, repair the diagonal brace in

accordance with a method approved by the Manager Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(b) 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, Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) 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.

(d) The actions shall be done in accordance with Dornier Service Bulletin SB-328-53-051, dated August 16, 1994. 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 Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on April 3, 1997.

Issued in Renton, Washington, on February 20, 1997.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 30

#### Foreign Futures and Option Transactions

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Order.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission" or "CFTC") is issuing a Supplemental Order authorizing members of the Montreal Exchange ("Exchange") designated for relief under Commission rule 30.10 ("Exchange Member" or "Member") to solicit and accept orders from U.S. customers for otherwise

permitted transactions<sup>1</sup> on all non-U.S. exchanges where such Members are authorized by the regulations of the Montreal Exchange to conduct futures business for customers.

This Supplemental Order is issued pursuant to Commission rule 30.10, which permits the Commission to grant an exemption from certain provisions of Part 30 of the Commission's regulations, and the Commission's Order dated March 14, 1989, granting relief under rule 30.10 to designated members of the Montreal Exchange.

**EFFECTIVE DATE:** February 27, 1997.  
**FOR FURTHER INFORMATION CONTACT:** Jane C. Kang, Esq., or Robert H. Rosenfeld, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581. Telephone: (202) 418-5430.  
**SUPPLEMENTARY INFORMATION:** The Commission has issued the following Supplemental Order:

*Supplemental Order Permitting Members of the Montreal Exchange Designated for Relief Under Commission Rule 30.10 to Solicit and to Accept Orders from U.S. Customers for Otherwise Permitted Transactions on All Non-U.S. Exchanges Where Such Members Are Authorized by Exchange Regulations to Conduct Futures Business for Customers*

On March 14, 1989, the Commission issued an Order granting relief under rule 30.10 to designated members of the Montreal Exchange, 54 FR 11179 (March 17, 1989) ("Original Order"). The Original Order limited the scope of permissible brokerage activities undertaken by designated Montreal Exchange members on behalf of U.S. customers to transactions "on or subject to the rules of the Exchange." 54 FR at 11811 (condition (1)(c)). Subsequently, however, the Commission has issued rule 30.10 orders which did not include this limitation.<sup>2</sup>

<sup>1</sup> Relief under this Supplemental Order extends only to those products falling within the jurisdiction of the Commodity Exchange Act ("CEA" or "Act") and remains subject to existing product restrictions under the CEA and Commission regulations and procedures thereunder related to stock indices and foreign government debt (see CEA section 2(a)(1)(B)(v) and Securities and Exchange Commission rule 3a12-8).

<sup>2</sup> In 1989 the Commission issued a series of rule 30.10 orders authorizing firms designated by the U.K. Securities and Investments Board and certain U.K. "Self-Regulating Organisations" to conduct brokerage activities for U.S. customers on any non-U.S. exchange designated under U.K. law. See 54 FR 21599, 21600 (May 19, 1989) (SIB), 54 FR 21604, 21605 (May 19, 1989) (Association of Futures Brokers and Dealers ("AFBD")), 54 FR 21609, 21610 (May 19, 1989) (The Securities Association ("TSA")), and 54 FR 21614, 21615 (May 19, 1989)

By letter dated March 26, 1996, the Montreal Exchange petitioned the Commission to revise the Original Order to permit designated members of the Montreal Exchange to solicit or accept orders from U.S. foreign futures and options customers for all otherwise permitted transactions on all non-U.S. exchanges<sup>3</sup> where Exchange Members are authorized by Exchange regulations to conduct futures and options business for customers, subject to the Montreal Exchange's and Members' continued compliance with the terms of the Original Order and such other conditions as may be imposed by the Commission.<sup>4</sup> The Exchange further represented that it would carry out its compliance, surveillance, and rule enforcement activities with respect to solicitations and acceptances of orders by designated Montreal Exchange members of U.S. customers for otherwise permitted transactions on all non-U.S. markets where such Members are authorized by Exchange regulations to conduct futures and options business for U.S. customers.

Upon due consideration and for the reasons stated in the Original Order, the Commission has determined to issue this Supplemental Order permitting Montreal Exchange members designated for rule 30.10 relief to solicit and to accept orders from U.S. foreign futures and options customers for otherwise permitted transactions in commodity futures and commodity options (including options on futures) on or subject to the rules of any exchange where such Montreal Exchange Members are authorized by Exchange regulations to conduct options and futures business for customers, other than a contract market designated as such pursuant to section 5 of the CEA,

(Investment Management Regulatory Organisation). The AFBD and TSA subsequently merged to form the Securities and Futures Association, which became the successor organization for rule 30.10 purposes. See 56 FR 14017 (April 5, 1991).

The Commission also has issued similar supplemental relief to the Sydney Futures Exchange, see 58 FR 19209 (April 13, 1993), and to the New Zealand Futures and Options Exchange, see 61 FR 64985 (December 10, 1996).

<sup>3</sup> The term "non-U.S. exchange" refers to a foreign board of trade which is defined in Commission rule 1.3(ss), 17 CFR § 1.3(ss) as: Any board of trade, exchange or market located outside the United States, its territories or possessions, whether incorporated or unincorporated, where foreign futures or foreign options transactions are entered into.

Thus, contracts that are traded on a market that has been designated as a contract market pursuant to section 5 of the CEA are not within the scope of this Order.

<sup>4</sup> Letter dated March 26, 1996, from Johanne Dupont, Legal Counsel to the Montreal Exchange, to Ms. Jane Kang, CFTC Division of Trading and Markets ("March 26, 1996 Request").