(ii) as to which the NASD consents, the
Commission will:
(A) By order approve such proposed
rule change, or
(B) Institute proceedings to determine
whether the proposed rule change
should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and
arguments concerning the foregoing, including whether the proposed rule
change is consistent with the Act. Persons making written submissions
should file six copies thereof with the
Secretary, Securities and Exchange
Commission, 450 Fifth Street, NW.,
Washington, DC 20549–0609. Copies of
the submission, all subsequent
amendments, all written statements
with respect to the proposed rule
change that are filed with the
Commission, and all written
communications relating to the proposed
rule change between the
Commission and any person, other than
those that may be withheld from the
public in accordance with the
provisions of 5 U.S.C. 552, will be
available for inspection and copying at
the Commission’s Public Reference
Room. Copies of such filing will also be
available for inspection and copying at
the principal office of the NASD. All
submissions should refer to File No.
SR–NASD–78 and should be submitted by
March 1, 2001.

For the Commission, by the Division
of Market Regulation, pursuant to delegated
authority.12
Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 01–3238 Filed 2–7–01; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular 120–73, Damage
Tolerance Assessment of Repairs to
Pressurized Fuselages

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of issuance of advisory
circular.

SUMMARY: This notice announces the
issuance of Advisory Circular (AC) 120–
73, “Damage Tolerance Assessment of
Repairs to Pressurized Fuselages.” The
AC provides guidance on acceptable
means of incorporating FAA-approved
repair assessment guidelines in air

The FAA concurs with the commenter’s request. We have revised paragraph 5.a.(2)(c) of the final AC to state: “Category C: A temporary (time-limited) repair that will need to be reworked or replaced prior to an established time * * *”.

Airplane Cycle Age Equal to or Less Than Implementation Date on Effective Date of Rule

One commenter requests that the FAA clarify the guidance on when the assessment process would begin for airplanes whose flight cycle age is equal to or less than the implementation time on the date the associated final rule becomes effective. Specifically, the commenter points out that the deadline for repair assessment does not include a “not to exceed” value like the other airplanes addressed in the proposed AC.

The FAA concurs that clarification is necessary. We have changed paragraph 6.g.(1) of the final AC to state that the assessment of an airplane in this group should take place before it exceeds the design service goal (DSG), plus an equivalent C-check. (This is parallel to the limit of the assessment deadline specified in paragraph 6.g.(2) for airplanes whose cycle age is greater than the implementation time, but less than the DSG, on the date that the associated final rule became effective.)

Maintenance Program Changes

One commenter requests that the FAA revise the proposed AC to make its intent clearer concerning maintenance program changes. The proposed wording states: “If the interval escalation reduces the frequency of inspection of the affected area below the BZI * * **.”

The commenter considers that this wording is confusing, and suggests that it could be clearer if changed to: “If the revised maintenance or inspection program intervals are greater than those in the BZI * * **.”

The FAA concurs. We have changed the wording in paragraph 6.h. of the final AC accordingly.

Sale and Transfer of Airplanes

One commenter requests changes concerning the time for implementing the required repair assessment for airplanes that previously have been operated under an FAA-approved maintenance program and are now being sold or transferred. The commenter requests that the phrase, “* * * whichever would result in an earlier accomplishment date for the assessment,” be eliminated. The commenter states:

- Such a requirement to adopt a previous operators’ programs into the new operator’s FAA-approved program adds needless administrative complexity and confusion.
- The FAA applies specific oversight of maintenance program integration for fleet additions, whether by acquisition of new or used aircraft by lease.
- Ample FAA guidelines cover the integration of airplanes transitioning from one maintenance program to another, and there is no need to add an across-the-board provision which may not be appropriate in many cases.

The FAA does not concur. We consider it essential that operators ensure that transferred airplanes are maintained in accordance with the repair assessment program on the same basis as if there were continuity in ownership. Scheduling of the repair assessments for each airplane must not be delayed or postponed because of a transfer of ownership; in some cases, such postponement could continue indefinitely if an airplane is transferred frequently from one owner to another. The stipulation contained in the AC is intended to prevent the situation where an airplane is transferred so often that it never gets assessed.

Miscellaneous Changes

Title of AC: We changed the title of the final AC to “Damage Tolerance Assessment of Repairs to Pressurized Fuselages.” We consider that this new title more clearly reflects the content of the AC and the guidance provided.

Paragraph 3., Discussion: We revised this paragraph in the final AC provide a comprehensive list of all airplane models that are subject to the requirements of 14 CFR parts 91, 121, 125, and 129 for a structural integrity assessment of repairs to the fuselage pressure boundary.

Paragraph 6.j., Operation of Leased Foreign-Owned Airplanes: We revised this paragraph to point out that the applicant is not required to implement the assessment program only in accordance with the “model-specific manufacturer’s repair assessment guidelines.” We deleted the word “manufacturer’s” from that phrase in the final AC. The applicant may use the manufacturer’s guidelines or may use any others that have been developed and approved for the specific airplane model.


Dorenda D. Baker,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–3309 Filed 2–7–01; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc. Special Committee 198; Next Generation Communications (NEXCOM)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for an RTCA NEXCOM Special Committee 198 meeting to be held February 22–23, 2001, starting at 9:00 a.m. The meeting will be held at the RTCA Inc., 1140 Connecticut Ave, NW, Suite 1020, Washington, DC, 20536.

At the request of the Federal Aviation Administration, RTCA established a new Special Committee (SC–198) to develop recommendations for the Next Generation Communications (NEXCOM) program. The FAA will implement an integrated system for digital air/ground voice and data communications in the National Airspace System. Special Committee 198 will undertake a multi-phase work program that will initially focus on operational considerations and identify, then characterize, basic operational issues. This results of the first phase effort will be published in a Principles of Operation document as well as a report on responses to recommendation of the RTCA Chairman’s Committee on NEXCOM. In subsequent phases, Special Committee 198 will address detailed demonstration and transition planning.

The agenda will include: (1) Welcome and Introductory Remarks; (2) Review Terms of Reference, discuss multi-phase work program; (3) Organize work groups, determine leadership, establish interim milestones to deliver two products for Phase 1: (a) Report on Responses to Recommendations to the RTCA Chairman’s Committee on NEXCOM (Delivery: August 2001); (b) RTCA DO NEXCOM Principles (Delivery: September 2001); (4) Working Group meetings. Plenary Session: (5) Review Work Group reports; (6) Review Proposed schedule for subsequent meetings to include Plenary meetings in February, April, June, and August, as well as Plenary in September 2001 to approve phase 1 documents: (c) Plenary