

**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 a new airworthiness directive to read as follows:

**2003-15-08 Eurocopter France:**

Amendment 39-13251. Docket No. 2003-SW-02-AD.

**Applicability:** Model AS350B, B1, B2, B3, BA, and D helicopters, certificated in any category.

**Note 1:** This AD applies to each helicopter 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 helicopters 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 within 200 hours time-in-service, unless accomplished previously.

To prevent a fire in the engine compartment from reaching the main gearbox (MGB) compartment that contains parts that are not fire resistant and subsequent loss of control of the helicopter, accomplish the following:

(a) Replace the MGB opening neoprene cowling seals with glass/silicone seals in accordance with the Accomplishment Instructions, paragraph 2.B., of Eurocopter Alert Service Bulletin No. 53.00.31, dated July 11, 2002.

(b) Replacing the MGB opening neoprene cowling seals with glass/silicone seals is terminating action for the requirements of this AD.

(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, Safety Management Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Safety Management Group.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Safety Management Group.

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

(e) Replacing the MGB opening neoprene seals shall be done in accordance with

Eurocopter Alert Service Bulletin No. 53.00.31, dated July 11, 2002. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on September 10, 2003.

**Note 3:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France), AD 2002-537-094(A), dated October 30, 2002.

Issued in Fort Worth, Texas, on July 24, 2003.

**Kim Smith,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 03-19575 Filed 8-5-03; 8:45 am]

**BILLING CODE 4910-13-P**

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

**[Docket No. 2003-NE-28-AD; Amendment 39-13252; AD 2003-15-09]**

**RIN 2120-AA64**

**Airworthiness Directives; Rolls-Royce plc Trent 768-60, Trent 772-60, and Trent 772B-60 Turbofan Engines**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for Rolls-Royce plc Trent 768-60, Trent 772-60, and Trent 772B-60 turbofan engines. This AD is prompted by several reports of low power surges. We are issuing this AD to prevent a possible dual-engine in-flight surge, which could result in loss of control of the airplane.

**DATES:** Effective August 21, 2003. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of August 21, 2003.

We must receive any comments on this AD by August 21, 2003.

**ADDRESSES:** Use one of the following addresses to submit comments on this AD:

• By mail: FAA, New England Region, Office of the Regional Counsel, 12

New England Executive Park, Burlington, MA 01803-5299.

- By fax: (781) 238-7055.
- By e-mail: 9-ane-adcomment@faa.gov.

You may get the service information referenced in this AD from Rolls-Royce plc, PO Box 31, Derby, England, DE248BJ; telephone: 011-44-1332-242424; fax: 011-44-1332-245-418.

You may examine the AD docket by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, suit 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7176; fax: (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** The Civil Aviation Authority, (CAA), which is the airworthiness authority for the U.K., recently notified the FAA that an unsafe condition may exist on Rolls-Royce plc Trent 768-60, Trent 772-60, and Trent 772B-60 turbofan engines. The CAA advises that engines that have larger than anticipated high pressure compressor (HPC) tip clearances can lead to a corresponding loss of surge margin, resulting in low power surges.

**Relevant Service Information**

We have reviewed Rolls-Royce plc Service Bulletin (SB) No. RB.211-71-D509, Revision 2, dated April 17, 2002. The SB describes procedures for performing low power surge margin testing. The CAA classified this SB as mandatory and issued CAA airworthiness directive, AD 005-09-2001, dated April 17, 2002, to ensure the continued airworthiness of these airplanes in the U.K.

**FAA's Determination and Requirements of This AD**

Although none of these affected engine models are used on any airplanes that are registered in the United States, the possibility exists that the engine models could be used on airplanes that are registered in the United States in the future. Since an unsafe condition has been identified that is likely to exist or develop on other Rolls-Royce plc Trent 768-60, Trent 772-60, and Trent 772B-60 turbofan engines of the same type design, this AD is being issued to prevent a possible dual-engine in-flight surge, which could result in loss of control of the airplane. This AD requires initial and repetitive surge margin testing of engines. You must do these

actions in accordance with the service bulletin described previously.

#### Bilateral Airworthiness Agreement

This engine model is manufactured in the U.K., and is type certificated for operation in the United States under section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. In keeping with this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. We have examined the findings of the CAA, reviewed all available information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

#### FAA's Determination of the Effective Date

Since there are currently no domestic operators of these Rolls-Royce plc Trent 768-60, Trent 772-60, and Trent 772B-60 turbofan engines, notice and opportunity for prior public comment are unnecessary. Therefore, a situation exists that allows the immediate adoption of this regulation.

#### Changes to 14 CFR Part 39—Effect on the AD

On July 10, 2002, we issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs our AD system. This regulation now includes material that relates to special flight permits, alternative methods of compliance, and altered products. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

#### Interim Action

Surge margin testing is considered an interim action. Rolls-Royce plc may introduce redesigned parts in the future to resolve the cause of the surge problem.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. 2003-NE-28-AD" in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-

stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it. If a person contacts us through a nonwritten communication, and that contact relates to a substantive part of this AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend the AD in light of those comments.

We are reviewing the writing style we currently use in regulatory documents. We are interested in your comments on whether the style of this document is clear, and your suggestions to improve the clarity of our communications with you. You may get more information about plain language at <http://www.plainlanguage.gov>.

#### Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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 that the 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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "AD Docket No. 2003-NE-28-AD" in your request.

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

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

#### Adoption of the Amendment

■ Accordingly, under 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. The FAA amends § 39.13 by adding the following new airworthiness directive:

**2003-15-09 Rolls-Royce plc: Amendment 39-13252. Docket No. 2003-NE-28-AD**

#### Effective Date

(a) This airworthiness directive (AD) becomes effective August 21, 2003.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Rolls-Royce plc Trent 768-60, Trent 772-60, and Trent 772B-60 turbofan engines. These engines are installed on, but not limited to Airbus 330 series airplanes.

#### Unsafe Condition

(d) This AD is prompted by several reports of low power surges. We are issuing this AD to prevent a possible dual-engine in-flight surge, which could result in loss of control of the airplane.

#### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times and cycles specified in paragraphs (f) and (g) of this AD, unless the actions have already been done.

#### Initial Surge Margin Testing

(f) Perform initial surge margin testing. Use paragraph 3. Accomplishment Instructions of Rolls-Royce plc Service Bulletin No. RB.211-71-D509, Revision 2, dated April 17, 2002 for testing, at the following intervals:

- (1) Before further flight, for engines that have accumulated more than 2,000 cycles-since-new on the effective date of this AD; and for engines that have accumulated more than 1,000 cycles-since-overhaul of the high pressure compressor casings and blades.
- (2) At or before engines accumulating 2,000 cycles-since-new; and for engines that have had level 3 overhaul of the high pressure compressor casings and blades, at or before the engine accumulating 1,000 cycles-since-overhaul.

#### Repetitive Surge Margin Testing

(g) Perform repetitive surge margin testing at intervals not to exceed 130 cycles-since-last surge margin test. Use paragraph 3 of the Accomplishment Instructions of Rolls-Royce plc Service Bulletin No. RB.211-71-D509, Revision 2, dated April 17, 2002, for testing.

#### Alternative Methods of Compliance (AMOCs)

(h) You must request AMOCs as specified in 14 CFR part 39.19. All AMOCs must be approved by the Manager, Engine Certification Office, FAA.

**Material Incorporated by Reference**

(i) Rolls-Royce plc Service Bulletin No. RB.211-71-D509, Revision 2, dated April 17, 2002. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may get a copy from Rolls-Royce plc, PO Box 31, Derby, England, DE248BJ; telephone: 011-44-1332-242424; fax: 011-44-1332-245-418. You may review copies at FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, suite 700, Washington, DC.

**Related Information**

(j) CAA airworthiness directive 005-09-2001, dated April 17, 2002, also addresses the subject of this AD.

Issued in Burlington, Massachusetts, on July 24, 2003.

**Francis A. Favara,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 03-19475 Filed 8-5-03; 8:45 am]

**BILLING CODE 4910-13-P**

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**COMMODITY FUTURES TRADING COMMISSION**
**17 CFR Part 30**
**Foreign Futures and Options Transactions; Correction**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Corrections to order.

**SUMMARY:** This document contains corrections to the Order that was published in the **Federal Register** of July 1, 2003 (68 FR 39006). The Order, issued pursuant to Commission Rule 30.10, granted an exemption to firms designated by the ASX Futures Exchange Proprietary Limited ("ASXF") from the application of certain of the Commission's foreign futures and options rules based on substituted compliance with Australia's comparable regulatory and self-regulator regime.

**EFFECTIVE DATE:** August 6, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Lawrence B. Patent, Esq., Deputy Director, Susan A Elliott, Esq., Staff Attorney, or Andrew V. Chapin, Esq., Staff Attorney, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, 1155 21st St., NW., Washington, DC 20581. Telephone: (202) 418-5430.

**SUPPLEMENTARY INFORMATION:**
**Background**

Commission Rule 30.4 requires that persons that solicit or accept orders, and

funds related thereto, from customers located in the U.S. for trading on futures exchanges located outside the U.S. must register as futures commission merchants. Commission Rule 30.10 permits persons to petition for exemption from any Part 30 rule. Under Rule 30.10, the Commission has issued numerous orders to foreign futures exchanges that petition, on behalf of their members, for relief from compliance with the Commission's Part 30 rules based on the members' substituted compliance with their home country regulatory framework. The Commission's Order under Rule 30.10 as published in the **Federal Register** incorrectly identified the order recipient, ASXF, as the ASX Futures Exchange Party Limited. ASXF has informed the Commission that the abbreviation "Pty" stands for "Proprietary" and not "Party."

**Need for Correction**

As published, the Order contains errors that may be misleading and need clarification.

**Correction of Publication**

Accordingly, the publication on July 1, 2003 of an Order, which was the subject of FR Doc. 03-16516, is correct as follows:

On page 39006, in the first column, in the Summary, line 5, and in the second column, in the Supplementary Information, second paragraph, line 3, the word "Party" is corrected to read "Proprietary" in both instances.

Issued in Washington, DC, on July 30, 2003 by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 03-19948 Filed 8-5-03; 8:45 am]

**BILLING CODE 6351-01-M**

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**SECURITIES AND EXCHANGE COMMISSION**
**17 CFR Part 240**

[Release No. 34-48272; File No. S7-48-02]

**RIN 3235-AI68**

**Broker-Dealer Exemption From Sending Certain Financial Information to Customers**

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Final rule.

**SUMMARY:** We are adopting amendments to a rule under the Securities Exchange Act of 1934 that provide a conditional exemption from the rule's requirement that a broker-dealer that carries

customer accounts send its full balance sheet and certain other financial information to each of its customers twice a year. Under the amendments, the broker-dealer can send its customers summary information regarding its net capital, as long as it also provides customers with a toll-free number to call for a free copy of its full balance sheet, makes its full balance sheet available to customers over the Internet, and meets other specified requirements. The amendments are intended to reduce the cost of doing business for a broker-dealer while providing customers of the broker-dealer with easy access to the information they need to evaluate the financial soundness of the broker-dealer.

**EFFECTIVE DATE:** September 5, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Michael A. Macchiaroli, Associate Director, at (202) 942-0132; Thomas K. McGowan, Assistant Director, at (202) 942-4886; or Rose Russo Wells, Attorney, at (202) 942-0143; Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549-1001.

**SUPPLEMENTARY INFORMATION:** We are amending Rule 17a-5(c)<sup>1</sup> under the Securities Exchange Act of 1934 ("Exchange Act"). We proposed these amendments for comment in November 2002.<sup>2</sup>

**I. Background**

A broker-dealer that carries customer accounts must generally send its full balance sheet to each of its customers twice a year under section 17(e)(1)(B) of the Exchange Act and Exchange Act Rule 17a-5(c). Rule 17a-5(c) requires the broker-dealer to send an audited balance sheet within 105 days of the date of the audited balance sheet and an unaudited balance sheet (dated six months after the date of the audited balance sheet) within 65 days of the date of the unaudited balance sheet. The full balance sheet includes footnote disclosures required by generally accepted accounting principles ("GAAP") and a footnote disclosing the amount of net capital the broker-dealer held as of the balance sheet date and the minimum amount of net capital we required the broker-dealer to hold as of that date.<sup>3</sup> There are currently

<sup>1</sup> 17 CFR 240.17a-5(c).

<sup>2</sup> Exchange Act Release No. 46920 (Nov. 26, 2002), 67 FR 71909 (Dec. 3, 2002) ("Proposing Release").

<sup>3</sup> Exchange Act Rule 15c3-1 defines net capital and sets minimum net capital requirements for a broker-dealer. Rule 15c3-1 is designed to ensure that each broker-dealer maintains sufficient liquid assets (those assets that can be readily converted