

regulatory action” under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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:

2004-02-04 Dassault Aviation: Amendment 39-13439. Docket 2003-NM-276-AD.

Applicability: All Model Falcon 900EX series airplanes, certificated in any category.
Compliance: Required as indicated, unless accomplished previously.

To ensure that the flightcrew is aware of the potential for reductions in climb performance in certain situations while operating in icing conditions, and the actions they must take to avoid this condition, which could result in an inability to avoid low-level obstacles during takeoff and consequent controlled flight into terrain, accomplish the following:

Airplane Flight Manual (AFM) Revisions

(a) Within 7 days after the effective date of this AD: Revise the Falcon 900EX AFM by accomplishing paragraphs (a)(1), (a)(2), and (a)(3) of this AD, as applicable, except as provided by paragraph (b) of this AD. Thereafter, operate the airplane per the limitations specified in these AFM revisions.

(1) Revise the Limitations, Performance, Emergency Procedures, and Abnormal Procedures sections of the AFM to include the information in Temporary Change (TC) 63 to the Falcon 900EX AFM, Document DTM561; or TC 2 to the Falcon 900EX AFM, Document DGT84972; both dated December 17, 2003; as applicable.

(2) Revise the Performance section of the AFM to include the information in TC 65 to the Falcon 900EX AFM, Document DTM561; or TC 5 to the Falcon 900EX AFM, Document DGT84972; both dated December 17, 2003; as applicable.

(3) Revise the Supplements section of the AFM to include the information in Supplement 19 D, Revision 2, to the Falcon 900EX AFM, Document DTM561, dated December 17, 2003.

Note 1: When information identical to that in the applicable TCs specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD, as applicable, has been included in the general revisions of the AFM, the general revisions may be inserted into the AFM, and the TCs may be removed from the AFM.

Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, is authorized to approve alternative methods of compliance for this AD.

Incorporation by Reference

(c) The actions shall be done in accordance with Temporary Change 2 to the Falcon 900EX Airplane Flight Manual, Document DGT84972, dated December 17, 2003, and Temporary Change 5 to the Falcon 900EX Airplane Flight Manual, Document DGT84972, dated December 17, 2003; or Temporary Change 63 to the Falcon 900EX Airplane Flight Manual, Document DTM561, dated December 17, 2003, and Temporary Change 65 to the Falcon 900EX Airplane Flight Manual, Document DTM561, dated December 17, 2003, and Supplement 19 D, Revision 2, to the Falcon 900EX Airplane Flight Manual, Document DTM561, dated December 17, 2003; as applicable. (Only the first page of the Temporary Changes contain the document date; no other page of those documents contains this information.) Supplement 19 D, Revision 2, to the Falcon 900EX Airplane Flight Manual, DTM561, dated December 17, 2003, contains the following effective pages:

Page number	Revision level shown on page	Date shown on page
1, 5, 8 ..	Revision 1	June 6, 2003.
2, 4	Revision 2	December 17, 2003.
3, 6, 7, 9, 10.	Original	May 4, 2001.

(The revision dates are only located in the Log of Pages and Revisions listed on page 2 of this Supplement; no other page contains this information.) 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 Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606. 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.

Note 2: The subject of this AD is addressed in French emergency airworthiness directive U F-2003-464.

Effective Date

(d) This amendment becomes effective on February 13, 2004.

Issued in Renton, Washington, on January 20, 2004.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04-1770 Filed 1-28-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003-NM-262-AD; Amendment 39-13442; AD 2004-02-07]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes. This action requires revising the airworthiness limitations section of the Instructions for Continued Airworthiness of the aircraft maintenance manual by incorporating procedures for a functional test of the pilot input lever of the pitch feel simulator unit. This action also requires a functional test of the pilot input lever of the pitch feel simulator unit, and corrective action if necessary. This action is necessary to prevent undetected failure of the shear pin of both PFS units simultaneously, which could result in loss of pitch feel forces and consequent loss of control of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective February 13, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 13, 2004.

Comments for inclusion in the Rules Docket must be received on or before March 1, 2004.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport

Airplane Directorate, ANM-114, Attention: Rules Docket No. 2003-NM-262-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: *9-anm-iarcomment@faa.gov*. Comments sent via the Internet must contain "Docket No. 2003-NM-262-AD" in the subject line and need not be submitted in triplicate. Comments sent via fax or the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in this AD may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Westbury, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dan Parrillo, Aerospace Engineer, Systems and Flight Test Branch, ANE-172, the FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Westbury, New York 11581; telephone (516) 228-7305; fax (516) 794-5531.

SUPPLEMENTARY INFORMATION: Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes. TCCA advises that the shear pin located in the input lever of two pitch feel simulator (PFS) units failed due to fatigue. One pin failed during endurance rig testing of a Model CL-600-2B19 airplane, and another failed in service. Failure of the shear pin is not always detectable by the flightcrew during normal operation of the airplane. Undetected failure of the shear pin of both PFS units simultaneously, if not corrected, could result in loss of pitch feel forces and consequent loss of control of the airplane.

Explanation of Relevant Service Information

Bombardier has issued Temporary Revision (TR) 2B-1784, dated October 24, 2003, to the CL-600-2B19 Canadair

Regional Jet Maintenance Requirements Manual, Part 2, Appendix B, "Airworthiness Limitations." The TR describes procedures for a functional test of the pilot input lever of the PFS unit. Accomplishment of the action specified in the service information is intended to adequately address the identified unsafe condition. TCCA classified these actions as mandatory and issued Canadian airworthiness directive CF-2003-26, dated November 14, 2003, to ensure the continued airworthiness of these airplanes in Canada.

FAA's Conclusions

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCCA has kept us informed of the situation described above. We have examined the findings of TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent undetected failure of the shear pin of the PFS unit, which could result in loss of pitch feel forces and consequent loss of control of the airplane. This AD requires revising the airworthiness limitations section of the Instructions for Continued Airworthiness of the aircraft maintenance manual by incorporating procedures for a functional test of the pilot input lever of the PFS unit. This AD also requires a functional test of the pilot input lever of the PFS unit, and corrective action if necessary. The actions are required to be accomplished in accordance with the service information described previously. This AD also includes a reporting requirement.

Interim Action

This AD is considered to be interim action. The reports that are required by this AD will enable the manufacturer to obtain better insight into the nature, cause, and extent of failures of the shear pins of the PFS units, and eventually to develop final action to address the unsafe condition. Once final action has

been identified, we may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2003-NM-262-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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:

2004-02-07 Bombardier, Inc. (Formerly Canadair): Amendment 39-13442. Docket 2003-NM-262-AD.

Applicability: Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes, serial numbers 7003 through 7999 inclusive, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent undetected failure of the shear pin of both pitch feel simulator (PFS) units simultaneously, which could result in loss of pitch feel forces and consequent loss of control of the airplane, accomplish the following:

Revise Airworthiness Limitations (AWL) Section of Aircraft Maintenance Manual

(a) Within 14 days after the effective date of this AD: Revise the airworthiness limitations (AWL) section of the Instructions for Continued Airworthiness of the aircraft maintenance manual by incorporating the functional check of the PFS pilot input lever, Task R27-31-A024-01, as specified in Bombardier Temporary Revision (TR) 2B-1784, dated October 24, 2003, to the CL-600-2B19 Canadair Regional Jet Maintenance Requirements Manual, Part 2, Appendix B, "Airworthiness Limitations," into the AWL section. When this information is included in the general revisions of the maintenance manual, the TR may be removed.

Functional Test

(b) Perform a functional test of the pilot input lever of the PFS unit before the accumulation of 4,000 total flight hours, or within 60 days after the effective date of this AD, whichever is later. Do the test per Task R27-31-A024-01 of Bombardier TR 2B-1784, dated October 24, 2003. If any unit fails during the functional test, replace with a new or serviceable part per a method approved by either the Manager, New York Aircraft Certification Office (ACO), FAA; or TCCA (or its delegated agent).

Reporting Requirement

(c) Submit a report of any failure that occurs during any functional test to Bombardier, Inc., Canadair, Aerospace Group, Technical Help Desk, John Kahn, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada; fax (514) 855-7708, at the applicable time specified in paragraph (c)(1) or (c)(2) of this AD. Information collection requirements contained in this AD have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(1) If the test was done after the effective date of this AD: Submit the report within 14 days after the inspection.

(2) If the test was done before the effective date of this AD: Submit the report within 14 days after the effective date of this AD.

Alternative Methods of Compliance

(d) In accordance with 14 CFR 39.19, the Manager, New York ACO, is authorized to approve alternative methods of compliance for this AD.

Incorporation by Reference

(e) Unless otherwise specified in this AD, the actions shall be done in accordance with Bombardier Temporary Revision 2B-1784, dated October 24, 2003, to the CL-600-2B19 Canadair Regional Jet Maintenance Requirements Manual, Part 2, Appendix B, "Airworthiness Limitations." 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 Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. Copies

may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Westbury, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 1: The subject of this AD is addressed in Canadian airworthiness directive CF-2003-26, dated November 14, 2003.

Effective Date

(f) This amendment becomes effective on February 13, 2004.

Issued in Renton, Washington, on January 20, 2004.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 04-1769 Filed 1-28-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

31 CFR Part 103

RIN 1505-AA44

Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations; Definition of Futures Commission Merchants and Introducing Brokers in Commodities as Financial Institutions; Requirement That Futures Commission Merchants and Introducing Brokers in Commodities Report Suspicious Transactions; Correction

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Final rule; correction.

SUMMARY: FinCEN published in the *Federal Register* of November 20, 2003, a document (68 FR 65392) finalizing a rule defining futures commission merchants and introducing brokers in commodities and requiring these financial institutions to report suspicious transactions. The document contained an inadvertent typographical error deleting several words from an existing definition of "transaction" in the general definitional section of the Bank Secrecy Act regulations.

DATES: This correction is effective December 22, 2003.

FOR FURTHER INFORMATION CONTACT: Alma Angotti, Senior Enforcement Attorney, Office of the Chief Counsel (FinCEN), (703) 905-3590 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final rule that is the subject of these corrections provides guidance under 31 CFR part 103.