(1) For airplanes identified in Boeing Special Attention Service Bulletin 737–53–1286, Revision 1, dated December 14, 2009: After accomplishing the requirements of paragraph (g) of this AD but within 72 months after the effective date of this AD.
(2) For airplanes identified in Boeing Special Attention Service Bulletin 737–53–1286, Revision 1, dated December 14, 2009: Within 72 months after the effective date of this AD.

Moving Seat Rows and General Visual Inspection of Seat Tracks
(i) For airplanes identified in Boeing Special Attention Service Bulletin 737–25–1598, dated December 8, 2009: Within 72 months after the effective date of this AD, do a general visual inspection of certain areas of the seat tracks for damage, all applicable corrective actions, and move certain seat rows, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–25–1598, dated December 8, 2009. Do all applicable corrective actions before further flight.
(ii) For airplanes identified in Boeing Special Attention Service Bulletin 737–25–1598, dated January 20, 2010: Within 72 months after the effective date of this AD, do a general visual inspection of certain areas of the seat tracks for damage, all applicable corrective actions, and move certain seat rows, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–25–1599, dated January 20, 2010. Do all applicable corrective actions before further flight.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be e-mailed to: 9-AMN-Seattle-ACO-AMOC-Requests@faa.gov.
(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

Related Information

(i) For more information about this AD, contact Patrick Gillespie, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1211.
(ii) For more information about this AD, contact Sicma Aero Seat, 7, Rue Lucien Coupet, 36100 ISSOUDUN, France; telephone 33 (0) 2 54 03 39 39; fax 33 (0) 2 54 03 39 00; e-mail: customerservices@sicma.zodiac.com; Internet http://www.sicma.zodiac.com/en/. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket
You may examine the AD docket on the Internet at http://www.regulations.gov; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information.

For further information contact:

Supplementary Information:
Comments Invited
We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2010–0040; Directorate Identifier 2008–NM–203–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.
We will post all comments we receive, without change, to http://
Discussion

We proposed to amend 14 CFR part 39 with an earlier NPRM for the specified products, which was published in the Federal Register on January 19, 2010 (75 FR 2826). That earlier NPRM proposed to require actions intended to address the unsafe condition for the products specified above.

Since that NPRM was issued, we have determined that the series 91C3 seat was not included in that NPRM because it was originally included in the wrong service bulletin. Sicma Aero Seat issued revised service information that includes that seat model with the other seat models affected by that NPRM, as discussed in the comment responses that follow. You may obtain further information by examining the MCAI in the AD docket.

Comments

We have considered the following comments received on the earlier NPRM.

Request To Revise Service Bulletin Reference

Boeing requested that we update all references to Sicma Aero Seat Service Bulletin 90–25–013, Issue 3, dated December 19, 2001, to Issue 4, dated March 19, 2004, including Annex 1, Issue 2, dated March 19, 2004. The commenter justified the request by stating that seat model 91C3 (installed on Boeing Model 737 airplanes) was inadvertently excluded in Issue 3 of that service bulletin, and that Issue 4 of that service bulletin corrects the applicability to those seats installed that are affected. The commenter also requested that we revise the “Relevant Service Information” section of the NPRM to refer to Issue 4 of that service bulletin.

We agree to update the service information in the supplemental NPRM for the reason given. We have revised paragraphs (c), (f)(1) through (f)(5), and (h) of this supplemental NPRM to refer to Sicma Aero Seat Service Bulletin 90–25–013, Issue 4, dated March 19, 2004, including Annex 1, Issue 2, dated March 19, 2004. We also have added new paragraph (f)(6) to this supplemental NPRM to give credit for actions done according to Issue 3 of that service bulletin. We also have removed the specific reference to series 91C3 seats, in paragraph (c) of this supplemental NPRM, from the list of those series to which this supplemental NPRM does not apply, because this AD, as now proposed, does apply to series 91C3 seats. We have not changed the “Relevant Service Information” section of the NPRM because that section does not appear in this supplemental NPRM.

Request To Remove Boeing Model 777 Airplanes From Applicability Table 1

Boeing requested that we revise table 1 of the NPRM to remove Model 777 airplanes, because those airplanes, due to their certification, do not have the affected seat series installed.

We agree to revise table 1 of the supplemental NPRM, for the reason given.

Request To Identify Affected Seats by Main Component Number

Vallejo Investments, Inc. requested that we specify the affected seats by their main component part number rather than the part number of the subassembly. The commenter stated that it could better participate in the rulemaking process with this information.

We do not agree to provide the main component part numbers for the affected seats, because the seat assembly part numbers listed are consistent with the Technical Standard Order (TSO) part number labels attached to each seat. We have not changed the supplemental NPRM in this regard.

Explanation of Changes Made to This Proposed AD

We have revised this supplemental NPRM to identify the legal name of the manufacturer as published in the most recent type certificate data sheet for the affected airplane models.

FAA’s Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the earlier NPRM. As a result, we have determined that it is necessary to reopen the comment period and provide additional opportunity for the public to comment on this proposed AD.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the proposed AD.

Explanation of Change to Costs of Compliance

Since issuance of the NPRM, we have increased the labor rate used in the Costs of Compliance from $80 per work-hour to $85 per work-hour. The Costs of Compliance information, below, reflects this increase in the specified hourly labor rate.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 611 seats on 4 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $51,935, or $85 per seat.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. “Subtitle VII: Aviation Programs,” describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures...
the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866; and
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 regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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 AD:


Comments Due Date

(a) We must receive comments by June 9, 2011.

AFFECTED ADs

(b) None.

Applicability

(c) This AD applies to Sicma Aero Seat 88xx, 89xx, 90xx, 91xx, 92xx, 93xx, 95xx, and 96xx series passenger seat assemblies identified in Annex 1, Issue 2, dated March 19, 2004, of Sicma Aero Seat Service Bulletin 90–25–013, Issue 4, dated March 19, 2004, that have backrest links having part numbers (P/Ns) 90–009200–104–1 and 90–009200–104–2, and that are installed on, but not limited to, the airplanes identified in table 1 of this AD, certificated in any category. This AD does not apply to Sicma Aero Seat series 9140, 9166, 9173, 9174, 9184, 9188, 9196, 9197, 91B8, 91C0, 91C2, 91C4, 91C5, 9301, and 9501 passenger seat assemblies.

Table 1—Certain Affected Airplane Models

<table>
<thead>
<tr>
<th>Manufacturer</th>
<th>Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airbus</td>
<td>A300 Airplanes.</td>
</tr>
<tr>
<td>Bombardier, Inc</td>
<td>CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes.</td>
</tr>
<tr>
<td>Bombardier, Inc</td>
<td>CL–600–2C10 (Regional Jet Series 700, 701, and 702) Airplanes.</td>
</tr>
<tr>
<td>Bombardier, Inc</td>
<td>CL–600–2D15 (Regional Jet Series 705) Airplanes.</td>
</tr>
<tr>
<td>Bombardier, Inc</td>
<td>CL–600–2D24 (Regional Jet Series 900) Airplanes.</td>
</tr>
<tr>
<td>Fokker Services B.V</td>
<td>F.27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 Airplanes.</td>
</tr>
<tr>
<td>Fokker Services B.V</td>
<td>F.28 Mark 0070, 100, 200, 300, 400, and 4000 Airplanes.</td>
</tr>
<tr>
<td>The Boeing Company</td>
<td>MD–11 and MD–11F Airplanes.</td>
</tr>
</tbody>
</table>

Note 1: This AD applies to Sicma Aero Seat passenger seat assemblies as installed on any airplane, regardless of whether the airplane 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 according to paragraph (g)(1) 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.
Part Two of Sicma Aero Seat Service Bulletin and 90–100200–104–2, in accordance with new improved links, P/Ns 90–000200–104–1 and 90–000200–104–2, with the effective date of this AD, replace the links, P/Ns 90–
000200–104–1 and 90–100200–104–2, since new.
(ii) Within 900 flight hours or 5 months after the effective date of this AD, whichever occurs later.

Credit for Actions Done in Accordance With Previous Service Information
(6) Actions done before the effective date of this AD in accordance with Sicma Aero Seat Service Bulletin 90–25–013, Issue 3, dated December 19, 2001, including Annex 1, Issue 2, dated March 19, 2004, are acceptable for compliance with the corresponding actions of this AD.

FAA AD Differences
Note 2: This AD differs from the MCAI and/or service information as follows: The MCAI specifies doing repetitive inspections for cracking of links having over 12,000 flight hours since new until the replacement of the links. This AD does not include those repetitive inspections because we have reduced the compliance time for replacing those links. This AD requires replacing the link before 12,000 flight hours since new or within 900 flight hours or 5 months of the effective date of this AD, whichever occurs later.

Other FAA AD Provisions
(g) The following provisions also apply to this AD:
(1) Alternative Methods of Compliance (AMOCs): The Manager, Boston Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Jeffrey Lee, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238–7161; fax (781) 238–7170. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.
(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

Related Information

Issued in Renton, Washington, on April 18, 2011.
Kalene C. Yanamura,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 2011–9942 Filed 4–22–11; 8:45 am]
BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 46

[3038–AD48]

Swap Data Recordkeeping and Reporting Requirements: Pre-Enactment and Transition Swaps

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission (“Commission” or “CFTC”) is proposing rules to implement new statutory provisions introduced by Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”). The Dodd-Frank Act amends the Commodity Exchange Act (“CEA” or “Act”) directing that rules adopted by the Commission shall provide for the reporting of data relating to swaps entered into before the date of enactment of the Dodd-Frank Act, the terms of which have not expired as of the date of enactment of that Act (“pre-enactment swaps”) and data relating to swaps entered into on or after the date of enactment of the Dodd-Frank Act and prior to the compliance date specified in the Commission’s final swap data reporting rules (“transition swaps”). This proposal would establish recordkeeping and reporting requirements for pre-enactment swaps and transition swaps.

DATES: Comments must be received by June 9, 2011.

ADDRESSES: You may submit comments, identified by RIN number 3038–AD48, by any of the following methods:
• Agency Web site, via its Comments Online process: http://comments.cftc.gov. Follow the instructions for submitting comments through the Web site.
• Mail: David A. Stawick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
• Hand Delivery/Courier: Same as mail above.