

(Configuration 1), "Inspection/Check," Paragraph 1.B., of the Airbus Military CN-235 Aircraft Maintenance Manual, Revision 57, dated July 15, 2010.

(h) For airplanes with engine condition control cable having P/N 35-56382-0003: Within 9 months or 300 flight hours after doing the detailed inspection required by paragraph (g) of this AD, whichever occurs first, repeat the detailed inspection specified in paragraph (g) of this AD.

(i) If, during any inspection required by paragraph (g) or (h) of this AD, excessive wear of the engine condition control cable is found: Before further flight, replace the engine condition control cable with P/N 35-56382-0005, in accordance with Section 76-10-12, "Power and Condition Control Cables," Block 401 (Configuration 1), "Removal/Installation," Paragraph 3., of the Airbus Military CN-235 Aircraft Maintenance Manual, Revision 57, dated July 15, 2010.

(j) Within 27 months or 900 flight hours, whichever occurs first after the effective date of this AD: Unless the engine condition control cable has already been replaced in accordance with paragraph (i) of this AD, replace the engine condition control cable having P/N 35-56382-0003 with an engine condition control cable having P/N 35-56382-0005, in accordance with Section 76-10-12, "Power and Condition Control Cables," Block 401 (Configuration 1), "Removal/Installation," Paragraph 3., of the Airbus Military CN-235 Aircraft Maintenance Manual, Revision 57, dated July 15, 2010.

(k) As of the effective date of this AD, no person may install an engine condition control cable having P/N 35-56382-0003, on any airplane.

#### FAA AD Differences

**Note 1:** This AD differs from the MCAI and/or service information as follows: No differences

#### Other FAA AD Provisions

(l) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM-116, Transport Airplane Directorate, 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 International Branch, send it to *Attn:* Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1112; fax (425) 227-1149. Information may be e-mailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. 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

(m) Refer to MCAI EASA Airworthiness Directive 2011-0010, dated January 20, 2011; and Section 76-10-00, "Power and Condition Control," Block 601 (Configuration 1), "Inspection/Check," Paragraph 1.B., and Section 76-10-12, "Power and Condition Control Cables," Block 401 (Configuration 1), "Removal/Installation," Paragraph 3., of the Airbus Military CN-235 Aircraft Maintenance Manual, Revision 57, dated July 15, 2010; for related information.

Issued in Renton, Washington, on October 13, 2011.

#### Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0994; Directorate Identifier 2009-NE-39-AD]

RIN 2120-AA64

#### Airworthiness Directives; Rolls-Royce plc (RR) RB211-535 Series Turbofan Engines

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to supersede an existing airworthiness directive (AD) that applies to all RR RB211-535E4-37, -535E4-B-37, -535E4-B-75, and -535E4-C-37 turbofan engines. The existing AD currently requires performing initial and repetitive visual and fluorescent penetrant inspections (FPI) of the low-pressure (LP) turbine stage 1, 2, and 3 discs to detect cracks in the discs. Since we issued that AD, we determined that the definition of shop visit is too restrictive in the existing AD. This proposed AD would continue to require those inspections and would change the definition of a shop visit to be less restrictive. We are proposing this AD to correct the definition of shop visit, and to detect cracks in the LP turbine stage 1, 2, and 3 discs, which could result in an

uncontained release of LP turbine blades and damage to the airplane.

**DATES:** We must receive comments on this proposed AD by December 27, 2011.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Rolls-Royce plc, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; *phone:* 011 44 1332 242424, *fax:* 011 44 1332 249936; or *e-mail:* [http://www.rolls-royce.com/contact/civil\\_team.jsp](http://www.rolls-royce.com/contact/civil_team.jsp), or download the publication from <https://www.aeromanager.com>. You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7125.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility 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. The street address for the Docket Office (*phone:* 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Alan Strom, Aerospace Engineer, Engine Certification Office, FAA, 12 New England Executive Park, Burlington, MA 01803; *phone:* 781-238-7143; *fax:* 781-238-7199; *e-mail:* [alan.strom@faa.gov](mailto:alan.strom@faa.gov).

#### 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-2009-0994; Directorate Identifier 2009-NE-39-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 because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

### Discussion

On May 20, 2011, we issued AD 2011-11-08, Amendment 39-16707 (76 FR 30529, May 26, 2011), for all RB211-535E4-37, -535E4-B-37, -535E4-B-75, and -535E4-C-37 turbofan engines. That AD requires performing an initial FPI on the LP turbine stage 1, 2, and 3 discs at the next engine shop inspection after the effective date of that AD. That AD also requires repetitive inspections at each engine shop visit after accumulating 1,500 cycles since last inspection of the LP turbine stage 1, 2, and 3 discs. That AD resulted from several findings of cracking at the firtrees of LP turbine discs. We issued that AD to detect cracks in the LP turbine stage 1, 2, and 3 discs, which could result in an uncontained release of LP turbine blades and damage to the airplane.

### Actions Since Existing AD Was Issued

Since we issued AD 2011-11-08, Amendment 39-16707 (76 FR 30529, May 26, 2011), we found that the definition of “shop visit” in the AD is too restrictive, in that it would require operators to inspect more often than required to ensure safety.

### Costs of Compliance

We estimate that this proposed AD would affect about 588 RB211-535 series turbofan engines installed on airplanes of U.S. registry. We also estimate that it would take about 30 work-hours per product to comply with this proposed AD. The average labor rate is \$85 per work-hour. No parts are required. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be \$1,499,400.

### FAA’s Determination

We are proposing this AD because we evaluated all the relevant information and determined that the definition of shop visit is too restrictive, and to correct the unsafe condition described

previously. This condition is likely to exist or develop in other products of the same type design.

### Proposed AD Requirements

This AD requires accomplishing the same requirements as AD 2011-11-08 (76 FR 30529, May 26, 2011), except the definition of shop visit has been redefined.

### 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 have 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 that the proposed 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),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) 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.

### 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 removing airworthiness directive (AD) 2011-11-08, Amendment 39-16707 (76 FR 30529, May 26, 2011), and adding the following new AD:

**Rolls-Royce plc:** Docket No. FAA-2009-0994; Directorate Identifier 2009-NE-39-AD.

#### (a) Comments Due Date

The FAA must receive comments on this AD action by December 27, 2011.

#### (b) Affected ADs

This AD supersedes AD 2011-11-08, Amendment 39-16707 (76 FR 30529, May 26, 2011).

#### (c) Applicability

This AD applies to Rolls-Royce plc RB211-535E4-37, -535E4-B-37, -535E4-B-75, and -535E4-C-37 turbofan engines.

#### (d) Unsafe Condition

This AD was prompted by our determination that the definition of “shop visit” in the existing AD is too restrictive, in that it would require operators to inspect more often than required to ensure safety. We are issuing this AD to correct the definition of shop visit, and to detect cracks in the low-pressure (LP) turbine stage 1, 2, and 3 discs, which could result in an uncontained release of LP turbine blades and damage to the airplane.

#### (e) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (1) Initial Inspection Requirements

At the next engine shop visit after the effective date of this AD, perform a visual and a fluorescent penetrant inspection (FPI) of the LP turbine stage 1, 2, and 3 discs.

#### (2) Repeat Inspection Requirements

At each engine shop visit after accumulating 1,500 cycles since the last inspection of the LP turbine stage 1, 2 and 3 discs, repeat the inspections specified in paragraph (e)(1) of this AD.

#### (3) Remove Cracked Discs

If you find cracks, remove the disc from service.

**(f) Definitions**

For the purpose of this AD, an “engine shop visit” is induction of an engine into the shop for any purpose where:

(1) All the blades are removed from the high-pressure (HP) compressor discs and the HP turbine disc, or

(2) All the blades are removed from the intermediate pressure turbine disc.

**(g) Alternative Methods of Compliance (AMOCs)**

The Manager, Engine Certification Office, FAA may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

**(h) Related Information**

(1) Contact Alan Strom, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; *phone*: 781-238-7143; *fax*: 781-238-7199; *e-mail*: [alan.strom@faa.gov](mailto:alan.strom@faa.gov), for more information about this AD.

(2) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2009-0244, dated November 9, 2009, and Rolls-Royce plc Alert Service Bulletin No. RB.211-72-AG272 for related information. Contact Rolls-Royce plc, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; *phone*: 011 44 1332 242424, *fax*: 011 44 1332 249936; or *e-mail*: [http://www.rollsroyce.com/contact/civil\\_team.jsp](http://www.rollsroyce.com/contact/civil_team.jsp), for a copy of this service information or download the publication from <https://www.aeromanager.com>.

Issued in Burlington, Massachusetts, on October 18, 2011.

**Peter A White,**

*Manager, Engine & Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 2011-27512 Filed 10-24-11; 8:45 am]

**BILLING CODE 4910-13-P**

**COMMODITY FUTURES TRADING COMMISSION****17 CFR Chapter 1****Effective Date for Swap Regulation**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed amendment.

**SUMMARY:** On July 14, 2011, the Commodity Futures Trading Commission (“CFTC” or the “Commission”) issued a final order (“July 14 Order”) that grants temporary exemptive relief from certain provisions of the Commodity Exchange Act (“CEA”) that otherwise would have taken effect on the general effective date of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“the Dodd-Frank Act”)—July 16, 2011. The July 14 Order grants temporary relief in two parts. The first part addresses those CEA provisions

added or amended by title VII of the Dodd-Frank Act that reference one or more terms regarding entities or instruments that title VII requires be “further defined” to the extent that requirements or portions of such provisions specifically relate to such referenced terms and do not require a rulemaking. The second part, which is based on part 35 of the Commission’s regulations, addresses certain provisions of the CEA that may apply to certain agreements, contracts, and transactions in exempt or excluded commodities as a result of the repeal of various CEA exemptions and exclusions as of the general effective date of July 16, 2011. This is a notice of a proposed amendment to that July 14 Order, 76 FR 42508 (July 19, 2011), that would modify the temporary exemptive relief provided therein by extending the potential latest expiration date of the July 14 Order; and adding provisions to account for the repeal and replacement (as of December 31, 2011) of part 35 of the Commission’s regulations. Only comments pertaining to these proposed amendments to the July 14 Order will be considered as part of this notice of proposed amendment.

**DATES:** Submit comments on or before November 25, 2011.

**ADDRESSES:** Comments may be submitted, referenced as “Effective Date Amendments,” by any of the following methods:

- Agency Web site, via its Comments Online process at <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.
- *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the instructions for submitting comments. Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that may be exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the established procedures in § 145.9 of the

Commission’s regulations, 17 CFR 145.9.

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <http://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:**

Terry Arbit, Deputy General Counsel, 202-418-5357, [tarbit@cftc.gov](mailto:tarbit@cftc.gov), or Mark D. Higgins, Counsel, 202-418-5864, [mhiggins@cftc.gov](mailto:mhiggins@cftc.gov), Office of the General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:****I. Background**

On July 21, 2010, President Obama signed the Dodd-Frank Act into law.<sup>1</sup> Title VII of the Dodd-Frank Act amends the CEA<sup>2</sup> to establish a comprehensive new regulatory framework for swaps. The legislation was enacted to reduce risk, increase transparency, and promote market integrity within the financial system by, among other things: (1) Providing for the registration and comprehensive regulation of swap dealers and major swap participants; (2) imposing clearing and trade execution requirements on standardized derivative products; (3) creating robust recordkeeping and real-time reporting regimes; and (4) enhancing the rulemaking and enforcement authorities of the Commission with respect to, among others, all registered entities and intermediaries subject to the Commission’s oversight.<sup>3</sup>

Section 754 of the Dodd-Frank Act states that, unless otherwise provided, the provisions of subtitle A of title VII of the Dodd-Frank Act<sup>4</sup> “shall take

<sup>1</sup> See Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 124 Stat. 1376 (2010).

<sup>2</sup> U.S.C. 1 *et seq.*

<sup>3</sup> Title VII also includes amendments to the federal securities laws to establish a similar regulatory framework for security-based swaps under the authority of the Securities and Exchange Commission (“SEC”).

<sup>4</sup> All of the amendments to the CEA in title VII are contained in subtitle A. Accordingly, for convenience, references to “title VII” in this notice of proposed amendment shall refer only to subtitle A of title VII.