

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

**Eurocopter France:** Docket No. 2001-SW-33-AD.

*Applicability:* Model SA-365N, SA-365N1, AS-365N2, AS 365 N3, and SA-366G1 helicopters.

**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 (b) 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 as indicated, unless accomplished previously.

To prevent failure of the frame due to a crack at the stretcher support attachment holes, loss of a passenger door, damage to the rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 50 hours time-in-service, inspect each 9-degree frame flange (frame) by measuring the edge distance at the four attachment holes of the stretcher support at Z2321 as shown in detail "A" of Figure 1 in Eurocopter France AS 365 Alert Service Bulletin 53.00.43, dated January 31, 2001, for the Models SA-365N, SA-365N1, AS-365N2, and AS 365 N3 (365 ASB) or Eurocopter France AS 366 Alert Service Bulletin 53.06, dated June 1, 2001, for the Model SA366G-1 (366 ASB) helicopters. Inspect the area around the attachment holes for a crack.

(1) If the edge distance of all attachment holes is equal to or more than 5 mm (0.197 inch) and no crack is present, no further action is required by this AD.

(2) If the edge distance is less than 5 mm and no crack is present, before further flight, install a reinforcing angle in accordance with the Accomplishment Instructions paragraphs 2.B.2. of the 365 ASB or 366 ASB, as appropriate. Accomplishing the requirements of paragraphs 2.B.2. of the 365 ASB or 366 ASB constitutes terminating action for the requirements of this AD.

(3) If the frame is cracked, before further flight, repair the frame with a repair design approved by the Manager, FAA, Rotorcraft Standards Staff. Repairing the frame constitutes terminating action for the requirements of this AD.

**Note 2:** There is not a specific repair designed for a cracked frame. The ASB advises contacting the manufacturer for a customized repair design.

(b) 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, Regulations

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, Regulations Group.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(c) 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.

**Note 4:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD Nos. 2001-283-025(A), dated July 11, 2001, for the Model SA366 helicopters and 2001-061-053(A), dated February 21, 2001, for the Model AS and SA-365N helicopters.

Issued in Fort Worth, Texas, on December 9, 2002.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

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## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 4

**RIN 3038-AB34**

#### Exclusion for Certain Otherwise Regulated Persons From the Definition of the Term "Commodity Pool Operator"

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Extension of comment period.

**SUMMARY:** The Commodity Futures Trading Commission (the "Commission" or "CFTC") is extending the comment period for the proposed amendment to Rule. 4.5 (the "Proposal") that would add an alternative limitation on the non-hedge activities of eligible persons claiming relief under the rule. The new deadline for submitting public comments is January 13, 2003.

**DATES:** Written comments must be received on or before January 13, 2003.

**ADDRESSES:** Comments on the proposed rule should be sent to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, NW., Washington, DC 20581. Comments may be sent by facsimile transmission to (202) 418-5528, or by e-mail to [secretary@cftc.gov](mailto:secretary@cftc.gov). Reference should be made to "Proposed Amendment to Rule 4.5 for Non-Hedge Activity."

#### FOR FURTHER INFORMATION CONTACT:

Barbara S. Gold, Associate Director, Division of Clearing and Intermediary Oversight, or Ronald Hobson, Industry Economist, Office of the Chief Economist, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, telephone number: (202) 418-5441 or (202) 418-5285, respectively; facsimile number: (202) 418-5536, or (202) 418-5660, respectively, and electronic mail: [gbold@cftc.gov](mailto:gbold@cftc.gov) or [3rhobson@cftc.gov](mailto:3rhobson@cftc.gov), respectively.

**SUPPLEMENTARY INFORMATION:** On October 28, 2002, the Commission published for comment a proposed amendment to Rule 4.5,<sup>1</sup> the rule that excludes certain eligible persons from the definition of the term "commodity pool operator" with respect to the operation of certain otherwise regulated entities, provided that certain commodity interest trading restrictions are met. The Proposal would add an alternative criterion for permissible non-hedge commodity interest trading by entities with respect to which exemption is claimed under Rule 4.5. The Proposal established a 45-day period for submitting public comment, ending December 12, 2002.

By letter dated December 10, 2002, a law firm representing futures industry participants requested an extension of the Proposal's comment period so that the expiration date of this comment period would conform with the expiration date of the comment period for the Commission's Advance Notice of Proposed Rulemaking ("ANPR") regarding further exemptions from commodity pool operator and commodity trading advisor registration,<sup>2</sup> which is January 13, 2003. The request claims substantial overlap of many of the issues raised by the Proposal and by the ANPR and thus that conforming period for the two releases would facilitate a comprehensive treatment of related issues.

In response to this request and in order to ensure that an adequate opportunity is provided for submission of meaningful comments, the Commission has determined to extend the comment period for the Proposal for an additional thirty days to January 13, 2003.

Issued in Washington, DC on 12, 2002, by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

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<sup>1</sup> 67 FR 65743.

<sup>2</sup> 67 FR 68785 (November 13, 2002).