

paragraph (a) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the documents listed in paragraph (a) of this AD.

#### Alternative Methods of Compliance

(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, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

#### Special Flight Permits

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

#### Incorporation by Reference

(e) The actions shall be done in accordance with Revision 13 of the Dornier 328 Airworthiness Limitations Document, TM-ALD-010693-ALL, dated July 25, 1997; and the Dornier Temporary Revisions listed in Table 2, as follows:

TABLE 2.—TEMPORARY REVISIONS

| TR No.           | Date of issue      |
|------------------|--------------------|
| TR ALD-042 ..... | January 31, 1997.  |
| TR ALD-048 ..... | May 12, 1998.      |
| TR ALD-050 ..... | October 2, 1997.   |
| TR ALD-052 ..... | December 11, 1997. |

TABLE 2.—TEMPORARY REVISIONS—Continued

| TR No.           | Date of issue      |
|------------------|--------------------|
| TR ALD-053 ..... | April 29, 1998.    |
| TR ALD-054 ..... | May 12, 1998.      |
| TR ALD-055 ..... | May 26, 1998.      |
| TR ALD-056 ..... | July 22, 1998.     |
| TR ALD-057 ..... | October 23, 1998.  |
| TR ALD-059 ..... | December 11, 1998. |
| TR ALD-062 ..... | May 18, 1999.      |
| TR ALD-063 ..... | August 10, 1999.   |
| TR ALD-064 ..... | October 10, 1999.  |
| TR ALD-065 ..... | November 26, 1999. |
| TR ALD-067 ..... | February 7, 2000.  |
| TR ALD-068 ..... | February 4, 2000.  |
| TR ALD-070 ..... | May 25, 2000.      |

Revision 13 of the Dornier Airworthiness Limitations Document TM-ALD-010693-ALL, contains the following list of effective pages:

| Page No.                                  | Revision level shown on page | Date shown on page |
|-------------------------------------------|------------------------------|--------------------|
| List of Effective Pages: Pages 1, 2 ..... | 13                           | July 25, 1997.     |

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 Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. 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.

#### Effective Date

(f) This amendment becomes effective on February 7, 2001.

Issued in Renton, Washington, on April 16, 2001.

**Donald L. Riggins,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 01-9877 Filed 4-24-01; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 121

[Docket No. 28154; Amendment No. 121-283]

#### Emergency Exits

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Federal Aviation Administration (FAA or “we”) is

amending our regulations by removing an obsolete cross reference. This change is necessary to correct an error and will not impose any additional burdens or restrictions on persons or organizations affected by these regulations.

**EFFECTIVE DATE:** April 25, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Michael J. Coffey, Air Carrier Operations Branch (AFS-220), Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267-3750.

#### SUPPLEMENTARY INFORMATION:

#### Background

On January 26, 1996, we published a final rule that made numerous editorial and terminology changes to the regulations governing air carriers and commercial operators (61 FR 2608). These regulations are found at 14 CFR parts 119, 121, and 135. The 1996 rule was necessary due to an earlier final rule that updated and consolidated the regulations governing the operations of commuter airlines. See 60 FR 65913, Dec. 20, 1995.

During the course of these two rulemakings, which involved numerous changes, we inadvertently failed to delete a cross reference in 14 CFR 121.310(m) to 14 CFR 121.627(c), which no longer exists in our regulations. The purpose of this action is to eliminate the obsolete cross reference to avoid causing any confusion amongst those whose

activities are governed by 14 CFR part 121.

This change is editorial in nature and has no substantive impact on the persons or organizations governed by these regulations. Under the Administrative Procedure Act, an agency doesn't have to issue a notice of proposed rulemaking when the agency for good cause finds that notice and public procedure are “impracticable, unnecessary, or contrary to the public interest.” See 5 U.S.C. 553(b). Because this technical amendment simply corrects an obsolete cross reference, we find that publishing the change for public notice and comment is unnecessary.

The Administrative Procedure Act also states that an agency must publish a substantive rule not less than 30 days before its effective date, except as otherwise provided by the agency for good cause. See 5 U.S.C. 553(d). We find that this technical amendment imposes no additional burden or requirement on the regulated industry, and thus, is not substantive in nature. Moreover, we find that there is good cause to make the correction effective immediately upon publication in the **Federal Register**. It is not in the public interest to have an obsolete cross reference in our regulations. It is in the public interest to correct the error without any further delay.

This regulation is editorial in nature and imposes no additional burden on any person or organization. Accordingly, we have determined that

the action: (1) Is not a significant rule under Executive Order 12866; and (2) is not a significant rule under Department of Transportation Regulatory Policy and Procedures. Also, because this regulation is editorial in nature, no impact is expected to result, and a full regulatory evaluation is not required. In addition, the FAA certifies that the rule 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 121

Air Carriers, Aircraft, Airmen, Aviation safety, Charter flights.

#### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 121 of title 14 of the Code of Federal Regulations as follows:

#### PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

1. The authority citation for part 121 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105.

2. Amend § 121.310 by revising paragraph (m) to read as follows:

#### § 121.310 Additional emergency equipment.

\* \* \* \* \*

(m) Except for an airplane used in operations under this part on October 16, 1987, and having an emergency exit configuration installed and authorized for operation prior to October 16, 1987, for an airplane that is required to have more than one passenger emergency exit for each side of the fuselage, no passenger emergency exit shall be more than 60 feet from any adjacent passenger emergency exit on the same side of the same deck of the fuselage, as measured parallel to the airplane's longitudinal axis between the nearest exit edges.

Issued in Washington, DC, on April 19, 2001.

Donald P. Byrne,

Assistant Chief Counsel, Regulations Division.

[FR Doc. 01–10238 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–M

#### COMMODITY FUTURES TRADING COMMISSION

#### 17 CFR Parts 1 and 190

RIN 3038—AB67

#### Opting Out of Segregation

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rules.

**SUMMARY:** Pursuant to section 111 of the Commodity Futures Modernization Act of 2000, the Commodity Futures Trading Commission (“Commission” or “CFTC”) is adopting a new rule allowing futures commission merchants (“FCM”) to offer certain customers the right to elect not to have funds, that are being carried by the FCM for purposes of margining, guaranteeing or securing the customers’ trades on or through a registered derivatives transaction execution facility (“DTF”), separately accounted for and segregated. This is sometimes referred to as “opting out” of segregation. The CFTC is also adopting amendments to certain existing rules that would, among other things, govern the bankruptcy treatment of a customer that opts out of segregation.

**EFFECTIVE DATE:** June 19, 2001.

**FOR FURTHER INFORMATION CONTACT:** Lawrence B. Patent, Associate Chief Counsel, or Michael A. Piracci, Attorney-Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. Telephone: (202) 418–5430.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### A. Introduction

The Commodity Futures Modernization Act of 2000 (“CFMA”),<sup>1</sup> enacted on December 21, 2000, included a new section 5a of the Commodity Exchange Act (the “Act”)<sup>2</sup> to permit a board of trade, subject to certain conditions, to elect to operate as a registered DTF in lieu of seeking designation as a contract market.<sup>3</sup> In order to operate as a registered DTF, the board of trade must meet certain requirements as to the underlying commodities traded and must restrict access to certain eligible traders. The

newly-enacted section 5a(f) of the Act provides that a registered DTF may authorize an FCM to offer its customers that are eligible contract participants<sup>4</sup> the right not to have their funds that are carried by the FCM for purposes of trading on the registered DTF, separately accounted for and segregated. Opting out of segregation is not available to a customer who is not also an eligible contract participant.

#### B. Proposed Rules

##### 1. New Rule 1.68

On March 13, 2001, the Commission published a proposed new rule allowing FCMs to offer certain customers the right to elect not to have funds, that are being carried by the FCM for purposes of margining, guaranteeing or securing the customers’ trades on or through a registered DTF, separately accounted for and segregated, sometimes referred to as “opting out” of segregation.<sup>5</sup> The Commission proposed to add new Rule 1.68 to implement the newly-enacted section 5a(f) of the Act. The proposed rule provided that an FCM shall not segregate a customer’s funds where: (i) The customer is an eligible contract participant; (ii) the funds are deposited with the FCM for purposes of trading on a registered DTF; (iii) the DTF has authorized the FCM to permit eligible contract participants to elect not to have such funds segregated; and (iv) there is a written agreement signed by the customer<sup>6</sup> in which the customer elects to opt out of segregation and acknowledges that it is aware of the consequences of not having its funds segregated.<sup>7</sup> In particular, the agreement would have been required to explain that, to the extent a customer has a claim against the estate of a bankrupt FCM in connection with trades for which it has opted out of segregation,

<sup>4</sup> Generally, eligible contract participants are: (1) Individuals with more than \$10 million in total assets, or more than \$5 million in total assets if entering into the transaction to manage risk; (2) financial institutions, investment companies, and insurance companies; (3) companies with more than \$10 million in total assets, or a net worth exceeding \$1 million if entering into the transaction in connection with the conduct of their businesses; and (4) commodity pools that have more than \$5 million in total assets. See 7 U.S.C. 1a(12), as amended.

<sup>5</sup> See 66 FR 14507 (March 13, 2001).

<sup>6</sup> For purposes of satisfying the requirement that the customer sign the opt-out agreement, an electronic signature will be acceptable provided it satisfies the provisions of Rule 1.4. Commission rules referred to herein are found at 17 CFR Ch. 1 (2000).

<sup>7</sup> An FCM may offer benefits to customers who elect not to have their funds segregated. In making any such offer, however, an FCM may not make any misleading claims or disclosures.

<sup>1</sup> Commodity Futures Modernization Act of 2000, Pub. L. 106–554, 114 Stat. 2763 (to be codified as amended in scattered sections of 7 U.S.C.).

<sup>2</sup> 7 U.S.C. 1 *et seq.* (1994), as amended by Pub. L. 106–554, 114 Stat. 2763.

<sup>3</sup> Commission rules concerning DTFs will be included in a new Part 37. See 66 FR 14262 (March 9, 2001).