

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. FAA amends § 39.13 by adding a new airworthiness directive (AD) to read as follows:

**2002-11-02 Raytheon Aircraft Company:** Amendment 39-12763; Docket No. 2002-CE-19-AD.

(a) *What airplanes are affected by this AD?* This AD applies to the following airplanes that are certificated in any category:

Model	Serial Nos.
390 .....	RB-4 through RB-14, RB-20 through RB-22, RB-24 through RB-32, and RB-34.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the

airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent ice formation on the wing leading edges and the upper and lower wing surfaces during flight in icing conditions. Ice formation on the wings could cause symmetric or asymmetric loss of lift, degradation of handling qualities, and increased drag of the airplane.

(d) *What must I do to address this problem?* To address this problem, you must accomplish the following actions:

Actions	Compliance	Procedures
Insert page 2 (Limitations Section) and page 3 (Abnormal Procedures Section) of Raytheon Temporary Change, Part Number (P/N) 390-590001-0003BTC1, dated April 29, 2002, into the FAA-approved Airplane Flight Manual (AFM).	Within the next 15 calendar days after June 14, 2002 (the effective date of this AD).	Incorporating the AFM revisions, as required by this AD, may be performed by anyone who holds at least a private pilot certificate, as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7). You must make an entry into the aircraft records that shows compliance with this AD, in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
- (2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

**Note:** This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been 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 in accordance with paragraph (e) 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Paul DeVore, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4142; facsimile: (316) 946-4407.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *When does this amendment become effective?* This amendment becomes effective on June 14, 2002.

Issued in Kansas City, Missouri, on May 20, 2002.  
**Michael Gallagher,**  
*Manager, Small Airplane Directorate, Aircraft Certification Service.*  
 [FR Doc. 02-13289 Filed 5-28-02; 8:45 am]  
**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**14 CFR Part 71**

[Airspace Docket No. 01-AGL-01]

**Modification of Class D Airspace; Rockford, IL; Modification of Class E Airspace; Rockford, IL; Correction**

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

**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects two errors in the legal descriptions of a final rule that was published in the **Federal Register** on Tuesday, April 2, 2002 (67 FR 15478). The Final Rule modified Class D and Class E airspace at Rockford, IL.

**EFFECTIVE DATE:** 0901 UTC, June 13, 2002.

**FOR FURTHER INFORMATION CONTACT:** Denis C. Burke, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018, telephone: (847) 294-7477.

**SUPPLEMENTARY INFORMATION:**

**History**

Federal Register Document 02-7858 published on Tuesday, April 2, 2002 (67 FR 15478), modified Class D and Class E Airspace at Rockford, IL. The latitude and longitude was omitted for the Greater Rockford ILS localizer in the Class E legal description. In addition, runway 36 was referred to in the Class D legal description, instead of runway 1. This action corrects these errors, by adding the missing latitude and longitude, and changing the runway identifier.

Accordingly, pursuant to the authority delegated to me, the errors for the Class D and Class E Airspace, Rockford, IL, as published in the **Federal Register** Tuesday, April 2, 2002 (67 FR 15478), (FR Doc. 02-7858), are corrected as follows:

**§ 71.1 [Corrected]**

1. On page 15478, Column 3, correct the Class E legal description as follows:

a. Add the following immediately below:

“**Greater Rockford Airport, IL** (Lat. 42°11’43”N., long. 89°05’50”W.)”:

Greater Rockford ILS Localizer (Lat. 42°12’36”N., long. 89°05’17”W.)

2. On page 15478, Column 3, correct the Class D legal description as follows:

a. Change “Runway 36 ILS localizer course” to read: “Runway 1 ILS localizer course”.

Issued in Des Plaines, Illinois on April 25, 2002.

**Nancy B. Shelton,**

*Manager, Air Traffic Division, Great Lakes Region.*

[FR Doc. 02-13215 Filed 5-28-02; 8:45 am]

BILLING CODE 4910-13-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 11

#### Delegation of Authority to the Director of the Division of Enforcement To Institute Subpoena Enforcement Proceedings

**AGENCY:** Commodity Future Trading Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commodity Futures Trading Commission (Commission or CFTC) is amending regulations to delegate authority to the Director of the Division of Enforcement, with the concurrence of the General Counsel or General Counsel's delegee, to institute subpoena enforcement proceedings in federal court to seek an order compelling the attendance and testimony of witnesses and the production of documents pursuant to a validly-issued Commission subpoena and to clarify that notwithstanding the delegated authority, as he believes appropriate, the Director may submit any proposed subpoena enforcement action for Commission consideration and nothing in this delegation prohibits the Commission from exercising the delegated authority. This amendment will expedite the investigation process by enabling the staff more quickly to compel individuals or entities to comply with Commission subpoenas and conserve Commission resources. This action relates solely to the Commission's organization, procedure and practice.

**EFFECTIVE DATE:** June 28, 2002.

**FOR FURTHER INFORMATION CONTACT:** Gretchen L. Lowe, Counselor to the Director, Commodity Futures Trading Commission, 1155 21st Street, NW, Washington, DC 2058. Telephone: (202) 418-5379.

#### SUPPLEMENTARY INFORMATION:

##### I. Rule 11.4(e)

The CFTC today announced an amendment to its rules governing investigations, and in particular, subpoenas. The Commission is authorized to promulgate this rule

under sections 2a(11) and 8a(5), of the Commodity Exchange Act.<sup>1</sup>

The amendment to Rule 11.4,<sup>2</sup> adding paragraph (e), authorizes the Director of Division of Enforcement, with the concurrence of the General Counsel or General Counsel's delegee, to institute subpoena enforcement proceedings in federal court to seek an order compelling individuals or entities to comply with Commission subpoenas. This delegation will expedite the investigation process and conserve Commission resources by enabling the Division more expeditiously to seek to compel compliance with Commission subpoenas in cases where the entry of a court order is necessary. Notwithstanding this delegation of authority, in instances where potential subpoena enforcement actions raise any novel or complex issues, the Division may consult with the Commission before the action is filed in federal court.

The Commission has determined that this amendment relates solely to agency organization, procedure and practice and does not relate to a substantive rule. Therefore, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, which generally require notice of proposed rulemaking and opportunity for public participation, are not applicable. The Commission further finds that there is good cause to make this rule effective immediately upon publication in the **Federal Register** because it will expedite the investigation process and conserve Commission resources.

##### II. Related Matters

###### A. Consideration of Costs and Benefits and Antitrust Laws

Section 15 of the Commodity Exchange Act requires the Commission to consider the costs and benefits of its action as well as the public interest to be protected by the antitrust laws before adopting a rule or regulation under the Act. Because the amendments to part 140 relate solely to agency organization, procedure and practice, they do not directly implicate the specific areas of concern identified in Section 15. In any event, the Commission has considered the costs and benefits of this

<sup>1</sup> Section 2a(11), 7 U.S.C. 4a(j), authorizes the Commission to "promulgate such rules and regulations as it deems necessary to govern the operating procedures and conduct of the business of the Commission." Section 8a(5), 7 U.S.C. 12a(5) gives the Commission the authority "to make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of [the Act]."

<sup>2</sup> 17 CFR 11.4.

amendment and has concluded that the rule is fully consistent with the public interest and with the requirements and prohibitions of the Commodity Exchange Act, as amended, 7 U.S.C. 4a(f) and (j), 12a(5) and 13.

###### B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires that agencies, in proposing rules in accordance with 5 U.S.C. 553, consider the impact of those rules on small businesses. The Commission has determined that the provisions of the RFA do not apply to the promulgation of this regulation since it relates solely agency organization, procedure and practice.

###### C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (RPA), 4 U.S.C. 3501 *et seq.*, which imposes certain requirements on federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information as defined by the RPA, does not apply to these rules. This rule amendment does not contain information collection requirements as defined by the RPA.

##### List of Subjects in 17 CFR Part 11

Administrative practice and procedure, Commodity futures, Investigations, Rules relating to investigations.

In consideration of the foregoing and pursuant to the authority contained in the Act, and in particular, Sections 2a and 8a, 7 U.S.C. 2(a) and 8a, the Commission hereby amends Part 11 of Chapter 1 of Title 17 of the Code of Federal Regulations as follows:

#### PART 11—RULES RELATING TO INVESTIGATIONS

1. The authority citation for Part 11 continues to read as follows:

**Authority:** 7 U.S.C. 2(a), 4a(j), 9 and 15, 12, 12a(5), 12(f).

2. Section 11.4 is amended by adding paragraphs (e) and (f) to read as follows:

##### § 11.4 Subpoenas.

\* \* \* \* \*

(e) Pursuant to the authority granted under Sections 2(a)(11) and 8a(5) of the Act, the Commission hereby delegates to the Director of the Division of Enforcement, with the concurrence of the General Counsel or General Counsel's delegee, and until such time as the Commission orders otherwise, the authority to invoke, in case of contumacy by, or refusal to obey a subpoena issued to, any person, the aid