

# Rules and Regulations

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## FEDERAL ELECTION COMMISSION

### 11 CFR Parts 104 and 110

[Notice 2003-2]

#### BCRA Technical Corrections

**AGENCY:** Federal Election Commission.

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

**SUMMARY:** The Commission published technical amendments to its regulations on December 26, 2002, entitled “BCRA Technical Amendments.” These amendments became effective upon publication. However, some of the amendments changed regulations that were promulgated but had not become effective as of December 26, 2002, and therefore could not take effect. Thus, the Commission is re-promulgating the technical amendments that did not take effect with the original BCRA technical amendments. Further information is provided in the supplementary information that follows.

**EFFECTIVE DATES:** The effective date for the revisions to 11 CFR 104.3(d)(1), introductory text, is December 31, 2002. The effective date for revisions to 11 CFR 110.19(e) is January 1, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mai T. Dinh, Acting Assistant General Counsel, 999 E Street, NW., Washington DC, 20463, (202) 694-1650 or (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** The Commission promulgated a series of regulations to implement the Bipartisan Campaign Reform Act of 2002 (“BCRA”), Public Law 107-155, 116 Stat. 81 (March 27, 2002).<sup>1</sup> As part of that effort, the Commission recently published technical amendments to its regulations to correct obsolete citations and typographical errors. See BCRA Technical Amendments Final Rule, 67 FR 78679 (Dec. 26, 2002). While these technical amendments became effective on December 26, 2002, the final rule amended sections that had been promulgated but had not yet been made effective as of that date. The affected sections are 11 CFR 104.3(d)(1) and 110.19(e). Additionally, the changes to the amendments to 11 CFR 113.1(g)(5) and (6), and 114.10(e) that were part of the BCRA Technical Amendments Final Rule will not be made because they are no longer necessary.<sup>2</sup> Therefore, the Commission is publishing and establishing the correct effective dates for the revisions to 11 CFR 104.3(d)(1) and 110.19(e) in this final rule.

Because the amendments published herein are merely technical and nonsubstantive, they are not a substantive rule requiring notice and comment under Administrative Procedure Act, 5 U.S.C. 553. Under the “good cause” exception in 5 U.S.C. 553(b)(B) and 553(d)(3), these technical amendments do not need to wait the 30 days after publication in the **Federal Register** to become effective. Rather, the effective date for the revisions to 11 CFR

104.3(d)(1) is December 31, 2002; and the effective date for 11 CFR 110.19(e) is January 1, 2003.

#### Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

This final rule does not have a significant economic impact on a substantial number of small entities. The amendments in this final rule are all technical and nonsubstantive in nature and do not have any economic impact on any entity subject to the underlying regulations.

#### List of Subjects

##### 11 CFR Part 104

Campaign funds, Political committees and parties, Reporting and recordkeeping requirements.

##### 11 CFR Part 110

Campaign funds, Political committees and parties.

For the reasons set out in the preamble, subchapters A of chapter 1 of title 11 of the *Code of Federal Regulations* are amended as follows:

#### PART 104—REPORTS BY POLITICAL COMMITTEES (2 U.S.C. 434)

1. The authority citation for part 104 continues to read as follows:

**Authority:** 2 U.S.C. 431(1), 431(8), 431(9), 432(i), 434, 438(a)(8) and (b), and 439a.

#### § 104.3 [Amended]

2. In the table below, for each section indicated in the left column, remove the citation indicated in the middle column, and replace it with the citation indicated in the right column:

Section	Remove	Add
104.3(d)(1), introductory text .....	100.7(b)(11) .....	100.82(a) through (d).
104.3(d)(1), introductory text .....	100.8(b)(12) .....	100.142(a) through (d).

<sup>1</sup> See the following rulemakings: Final Rules on Prohibited and Excessive Contributions: Non-Federal Funds or Soft, 67 FR 49064 (July 29, 2002); Final Rules on Reorganization of Regulations on Contributions and Expenditures, 67 FR 50582 (Aug. 5, 2002); Final Rules on Coordinated and Independent expenditures, 67 FR (Jan. 3, 2003);

Final Rules on Electioneering Communications, 67 FR 65212 (October 23, 2002); Final Rules on Contribution Limitations and Prohibitions, 67 FR 69928 (Nov. 19, 2002).

<sup>2</sup> The appropriate changes to 11 CFR 113.1(g)(5) and (6), and 114.10(e)(2) have already been made

as part of the Final Rules on Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds, 67 FR 76962, 76979 (Dec. 13, 2002), and Final Rules on Electioneering Communications, 67 FR at 65212, respectively.

**PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS**

Authority: 2 U.S.C. 431(8), 431(9), 432(c)(2), 437d, 438(a)(8), 441a, 441b, 441d, 441e, 441f, 441g, 441h and 441k.

citation or phrase indicated in the middle column, and replace it with the citation or phrase indicated in the right column:

3. The authority citation for part 110 continues to read as follows:

**§ 110.19 [Amended]**  
4. In the table below, for each section indicated in the left column, remove the

Section	Remove	Add
110.19(e) paragraph heading .....	maintain, finance .....	finance, maintain.
110.19(e) .....	maintain, finance .....	finance, maintain.

Dated: January 14, 2003.  
**Ellen L. Weintraub,**  
Chair, Federal Election Commission.  
[FR Doc. 03-1184 Filed 1-21-03; 8:45 am]  
BILLING CODE 6715-01-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2000-CE-80-AD; Amendment 39-13019; AD 2003-02-03]

RIN 2120-AA64

**Airworthiness Directives; Raytheon Aircraft Company 65, 90, 99, 100, 200, and 300 Series, and Model 2000 Airplanes**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) 65, 90, 99, 100, 200, and 300 series, and Model 2000 airplanes. This AD requires you to install new exterior operating instruction placards for the airstair door and emergency exits. This AD is the result of Raytheon improving the visibility and understandability of the door operating instruction placards. This was done as a result of difficulty opening the emergency exits of a similar type design airplane. The actions specified by this AD are intended to assure that clear and complete operating instructions are visible for opening the airstair door and emergency exits. If the operating instructions are not visible or understandable, this could result in the inability to open the airstair door or emergency exits during an emergency situation.

**DATES:** This AD becomes effective on March 7, 2003.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of March 7, 2003.

**ADDRESSES:** You may get the service information referenced in this AD from Raytheon Aircraft Company, 9709 E. Central, Wichita, Kansas 67201-0085; telephone: (800) 429-5372 or (316) 676-3140. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-80-AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Wichita, Kansas 67209; telephone: (316) 946-4124; facsimile: (316) 946-4407.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

*What events have caused this AD?* FAA believes that the instructions for opening the airstair door and emergency exits are either not visible or not easy to understand on Raytheon 65, 90, 99, 100, 200, and 300 series, and Model 2000 airplanes. This is based on an accident that resulted in the issuance of AD 97-04-02. AD 97-04-02 was later superseded by AD 98-21-20 to incorporate more visible and understandable instructions.

*What is the potential impact if FAA took no action?* If the exterior door operating instruction placards are not visible or understandable, this could result in the inability to open the airstair door or emergency exits during an emergency situation.

*Has FAA taken any action to this point?* We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Raytheon 65, 90, 99, 100, 200, and 300 series, and Model 2000 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on August 9, 2002 (67 FR 51791). The NPRM proposed to require you to install new exterior

operating instruction placards for the airstair door and emergency exits.

*Was the public invited to comment?* The FAA encouraged interested persons to participate in the making of this amendment. The following presents the comments received on the proposal and FAA's response to each comment:

**Comment Issue No. 1: AD Is Unjustified**

*What is the commenter's concern?* The commenter believes that in the accident that resulted in the earlier ADs, the damage to the airplane prevented the doors from opening. Therefore, the commenter believes that if the new placards had been present in this situation, they still would not have prevented injuries or loss of life. We infer that the commenter wants the NPRM withdrawn based on no compelling evidence that the presence of the placards addresses the unsafe condition.

*What Is FAA's response to the concern?* We do not concur. In an emergency situation, exiting the airplane is of the utmost importance, especially if the postcrash scenario includes a cabin fire. The cabin crew and/or passengers may become incapacitated. Therefore, the exterior emergency exit door operating instructions must be extremely clear and complete so that any person will be able to open the exit door.

We are not changing the final rule AD action based on this comment.

**Comment Issue No. 2: Placards Are Not Durable**

*What is the commenter's concern?* The commenter states that the placards supplied by Raytheon do not adhere to the airplane surface properly. The placards often begin to peel-off either in flight or while washing the airplane. We infer that the commenter wants the NPRM withdrawn because the placards will eventually come off on their own.

*What is FAA's response to the concern?* We are aware that durability and adherence of the placards to the airplane surface may be a problem. However, it is not a valid reason for withdrawing the NPRM. The owners/