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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-SW-05-AD; Amendment 39-13116; AD 2003-08-05]

RIN 2120-AA64

#### Airworthiness Directives; Eurocopter France Model AS350B3 Helicopters

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) for the specified Eurocopter France (Eurocopter) model helicopters that requires inspecting the ASU No. 2 printed circuit board (PCB) to determine if the resistor R8 is installed, and if it is not installed, replacing the PCB with an airworthy PCB with that resistor installed. This amendment is prompted by the discovery of a PCB without a critical resistor that polarizes the voltage regulator that regulates electrical power to a critical warning light, a critical caution light, and the main rotor revolutions per minute (RPM) signal to the vehicle engine management display (VEMD). The actions specified by this AD are intended to prevent the malfunction of the two critical lights and the rotor RPM signal to the VEMD, failure of these components to timely alert the pilot to the associated malfunctions, further helicopter damage because of these malfunctions, and subsequent loss of control of the helicopter.

**DATES:** Effective May 19, 2003.

**FOR FURTHER INFORMATION CONTACT:** Carroll Wright, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193-0111, telephone (817) 222-5120, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** A proposal to amend 14 CFR part 39 to include an AD for Eurocopter Model AS350B3 helicopters was published in the **Federal Register** on January 21, 2003 (68 FR 2714). That action proposed to require, within 15 hours time-in-service (TIS), inspecting the ASU No. 2 PCB on helicopters with serial numbers 3062 and earlier to determine if the resistor R8 is installed, and if it is not

installed, replacing the PCB with an airworthy PCB with resistor R8 installed within 50 hours TIS.

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter Model AS350B3 helicopters. The DGAC advises that the absence of a resistor R8 on the ASU No. 2 boards can lead to a malfunction of the electric circuits supplying the "BATT. TEMP." red warning light, the "ENGINE CHIP" amber caution light, and the rotor RPM signal output to the VEMD.

Eurocopter has issued Service Bulletin No. 77.00.07, dated March 27, 2000, which specifies checking to determine if the resistor R8 is installed on the PCB within 25 hours time-in-service (TIS) and, if a resistor R8 is not installed, replacing the PCB with one that has a resistor R8 installed within 50 hours TIS. The DGAC classified this service bulletin as mandatory and issued AD No. 2001-319-083(A), dated July 25, 2001, to ensure the continued airworthiness of these helicopters in France.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. However, for clarity and consistency in this final rule, we have retained the language of the NPRM regarding that material.

The FAA estimates that 30 helicopters of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per helicopter to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost \$1,200. The manufacturer states in its service bulletin that PCB's will be replaced free of charge. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$37,800, if a PCB is replaced in the entire fleet and there is no free replacement by the manufacturer.

The regulations adopted herein will 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration 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. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

#### 2003-08-05 Eurocopter France:

Amendment 39-13116. Docket No. 2002-SW-05-AD.

**Applicability:** Model AS350B3 helicopters, serial numbers (S/N) 3062 and earlier, certificated in any category.

**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 (c) 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 malfunction of the electrical circuits controlling the "BATT. TEMP." red warning light, the "ENGINE CHIP" amber caution and the rotor revolutions-per-minute (RPM) signal output to the vehicle engine management display (VEMD), accomplish the following:

(a) Within 15 hours time-in-service (TIS), inspect the ASU No. 2 printed circuit board (PCB), part number SE 03022, to determine if resistor R8 is installed.

(b) If the resistor R8 is not installed, within 50 hours TIS, replace the PCB with an airworthy PCB that has a resistor R8 installed.

**Note 2:** Eurocopter Service Bulletin No. 77.00.07, dated March 27, 2000, pertains to the subject of this AD.

(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, 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.

(d) 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.

(e) This amendment becomes effective on May 19, 2003.

**Note 4:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 2001-319-083(A), dated July 25, 2001.

Issued in Fort Worth, Texas, on April 8, 2003.

**Michele M. Owsley,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

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## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 210

[Release Nos. 33-8128A; 34-46464A; FR-63A; File No. S7-08-02]

RIN 3235-AI33

### Acceleration of Periodic Report Filing Dates and Disclosure Concerning Web Site Access to Reports; Correction

**AGENCY:** Securities and Exchange Commission.

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

**SUMMARY:** This document contains corrections to final rules which were

published in the **Federal Register** on Monday, September 16, 2002 (67 FR 58480). The rules relate to the acceleration of the filing of quarterly and annual reports under the Securities Exchange Act of 1934 by certain accelerated filers.

**EFFECTIVE DATE:** April 14, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey J. Minton, Special Counsel, Office of Rulemaking, Division of Corporation Finance, at (202) 942-2910, U.S. Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0312.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

On September 5, 2002, the Commission adopted,<sup>1</sup> among other things, changes to rules 3-01<sup>2</sup> and 3-12<sup>3</sup> of Regulation S-X<sup>4</sup> under the Securities Act of 1933 (the "Securities Act").<sup>5</sup> These rules relate to the timeliness of financial information in Commission filings, such as Securities Act registration statements and proxy statements and information statements under section 14<sup>6</sup> of the Securities Exchange Act of 1934 (the "Exchange Act").<sup>7</sup> The changes were made to conform the timeliness requirements for these filings made by accelerated filers to changes adopted to the deadlines for Forms 10-K<sup>8</sup> and 10-Q<sup>9</sup> for accelerated filers, as defined in Exchange Act rule 12b-2.<sup>10</sup> The new deadlines will be phased-in over three years.

After we adopted the amendments to rules 3-01 and 3-12 of Regulation S-X, questions arose regarding the appropriate phase-in period for an accelerated filer required to update interim financial information in registration statements filed or that become effective 134 days after the end of the filer's fiscal year. This is the period after audited financial statements for the most recently completed fiscal year are already required to be filed on Form 10-K and on or after the date most registrants are required to have filed interim financial statements for the first quarter on Form 10-Q. Concerns arose that the phase-in periods in the conforming amendments to rules 3-01 and 3-12 of Regulation S-X do not

<sup>1</sup> See Release No. 33-8128 (Sept. 5, 2002) [67 FR 58480].

<sup>2</sup> 17 CFR 210.3-01.

<sup>3</sup> 17 CFR 210.3-12.

<sup>4</sup> 17 CFR 210.1-01 *et seq.*

<sup>5</sup> 15 U.S.C. 77a *et seq.*

<sup>6</sup> 15 U.S.C. 78n

<sup>7</sup> 15 U.S.C. 78a *et seq.*

<sup>8</sup> 17 CFR 249.310.

<sup>9</sup> 17 CFR 308a.

<sup>10</sup> 17 CFR 240.12b-2.

match the phase-in periods described in the adopting release.

Accordingly, the amendments set forth in this document clarify that the phase-in periods applicable to accelerated filers who need to update interim information in accordance with amended rules 3-01 and 3-12 of Regulation S-X match the phase-in periods for filing quarterly information on Form 10-Q. The corrections clarify that updated interim information is required within 130 days after the end of the registrant's fiscal year for fiscal years ending on or after December 15, 2003 and before December 15, 2004, and within 125 days after the end of the registrant's fiscal year for fiscal years ending on or after December 15, 2004. The changes are technical corrections to clarify the rules as described in the original adopting release, and do not alter the phase-in periods for these requirements as described in the original adopting release.

#### II. Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

#### Text of Amendments

#### List of Subjects in 17 CFR Part 210

Reporting and recordkeeping requirements, Securities.

■ In accordance with the foregoing, the Commission amends Title 17, chapter II of the Code of Federal Regulations as follows:

#### PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, INVESTMENT ADVISERS ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

■ 1. The authority citation for part 210 continues to read as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77z-2, 77aa(25), 77aa(26), 78j-1, 78l, 78m, 78n, 78o(d), 78u-5, 78w(a), 78ll(d), 79e(b), 79j(a), 79n, 79t(a), 80a-8, 80a-20, 80a-29, 80a-30, 80a-31, 80a-37(a), unless otherwise noted.

■ 2. Section 210.3-01 is amended by revising paragraphs (e)(1) and (i)(2) to read as follows:

#### § 210.3-01 Consolidated balance sheets.

\* \* \* \* \*

(e) \* \* \*

(1) For accelerated filers (as defined in § 240.12b-2 of this chapter):