requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant, for approval by the FAA, to identify either electrical or electronic systems that perform critical functions. The term ''critical'' means those functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or any combination of these. Service experience alone is not acceptable since normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Applicability

As discussed above, these special conditions are applicable to the G120A airplane. Should GROB–WERKE apply at a later date for a design approval to modify any other model on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on the specified airplane model(s). It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR part 21, §§ 21.16 and 21.101; and 14 CFR part 11, 11.19.

The Special Conditions

Accordingly, by the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the G120A airplane manufactured by GROB–WERKE, which includes an electronic attitude direction indicator.

1. Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF). Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: Critical Functions: Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri, on January 29, 2002.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–2719 Filed 2–4–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–ASO–3]

Amendment to Class D Airspace; Eglin AFB, FL; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final rule (99–ASO–19), which was published in the **Federal Register** on December 14, 1999, (64 FR 69631), amending Class D airspace at Eglin AFB, FL. This action corrects errors in the legal description for the Class D airspace at Eglin AFB, FL.

EFFECTIVE DATE: 0901 UTC, April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

Background

Federal Register Document 99–32347, Airspace Docket No. 99–ASO–19, published on December 14, 1999, (64 FR 69631), amends Class D airspace at Eglin AFB, FL. Errors were discovered in the legal description, describing the Class D airspace area. One word, ''of'' has been changed to ''to'', and the word ''east'' has been inserted to more clearly describe the airspace boundaries. These actions correct the errors.

Designations for Class D airspace areas extending upward from the surface of the earth are published in Paragraph 5000 of FAA Order 7400.9J, dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the Order.

Need for Correction

As published, the final rule contains errors which incorrectly describe the geographical boundaries of the Class D airspace area. Accordingly, pursuant to the authority delegated to me, the legal description for the Class D airspace area at Eglin AFB, FL, incorporated by reference at § 71.1, 14 CFR 71.1, and published in the **Federal Register** on December 14, 1999, (64 FR 69631), is corrected by making the following correcting amendment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

In consideration of the foregoing, the Federal Aviation Administration corrects the adopted amendment, 14 CFR part 71, by making the following correcting amendment:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389

§ 71.1 [Corrected]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

Paragraph 5000 Class D Airspace

ASO FL D Eglin AFB, FL [CORRECTED]

Eglin AFB, FL
(Lat. 30°29′00″N, long. 86°31′34″W)
Destin—Fort Walton Beach
(Lat. 30°24′00″N, long. 86°28′17″W)
Destin NDB
(Lat. 30°24′18″N, long. 86°28′26″W)
Duke Field
(Lat. 30°39′07″N, long. 86°31′23″W)
Hurlburt Field
(Lat. 30°25′44″N, long. 86°41′20″W)

That airspace extending upward from the surface, to and including 2,600 feet MSL within a 5.5-mile radius of Eglin AFB and within a 4-mile radius of Destin—Fort Walton Beach Airport and within 2.5 miles each side of the 147° bearing from the Destin NDB, extending 7 miles southeast of the NDB, excluding the portion north of a line connecting the 2 points of intersection within a 5.2-mile radius circle centered on Duke Field; excluding the portion southwest of a line connecting the 2 points of intersection within a 5.3-mile radius of Hurlburt Field; excluding a portion east of a line beginning at lat. 30°30′43″N., long 86°26′21″W., extending north to the 5.5-mile radius and north of a line beginning at lat. 30°30′43″N., long. 86°26′21″W. extending east to the 5.5-mile radius.

* * * * *

Issued in College Park, Georgia, on January 29, 2002.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 02–2721 Filed 2–4–02; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–45371]

Exemption of Transactions in Certain Options and Futures on Security Indexes From Section 31 of the Exchange Act

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (''Commission'') is, by rule, exempting two classes of securities from the fee and assessment requirements of Section 31 of the Securities Exchange Act of 1934 (''Exchange Act''): options on narrow-based security indexes and futures on narrow-based security indexes. In light of the very low amount of Section 31 fees currently collected on options on narrow-based security indexes, the Commission is granting the exemption for options on such indexes to relieve certain national securities exchanges of the burden of having to calculate whether an index is narrow-based or broad-based. The Commission is granting the exemption for futures on narrow-based security indexes to promote a level playing field between options and futures.

EFFECTIVE DATE: February 1, 2002.

FOR FURTHER INFORMATION CONTACT: Michael Gaw, Special Counsel, 202–942–0158, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549–1001.

SUPPLEMENTARY INFORMATION:

I. Background and Summary

Section 31 of the Exchange Act [1] requires national securities exchanges and national securities associations to pay fees and assessments to the Commission based on sales of or transactions in certain securities. Specifically, a national securities exchange is required to pay to the Commission fees based on the aggregate dollar amount of sales of certain securities transacted on that exchange,[2] and a national securities association is required to pay to the Commission fees based on the aggregate dollar amount of sales of certain securities transacted by or through any member of the association otherwise than on a national securities exchange.[3] In addition, an exchange or association is required to pay to the Commission an assessment for each round turn transaction on a security future.[4] Section 31(f) of the Exchange Act [5] provides that ''[t]he Commission, by rule, may exempt any sale of securities or any class of sales of securities from any fee or assessment imposed by [Section 31], if the Commission finds that such exemption is consistent with the public interest, the equal regulation of markets and brokers and dealers, and the development of a national market system.''

On January 16, 2002, President Bush signed into law the Investor and Capital Markets Fee Relief Act (''Fee Relief Act'') [6] which, among other things, amends Section 31 to provide that ''options on securities indexes (excluding a narrow-based security index)'' are exempt from the fee requirements of Section 31. Thus, as provided by statute, national securities exchanges and national securities associations are not required to pay to the Commission fees on sales of options on security indexes that are not narrow-based security indexes [7] (*i.e.,* are ''broad-based security indexes''). The exclusion of sales of options on broad-based indexes from Section 31 fees is consistent with the treatment of futures on broad-based indexes, which compete with options on broad-based indexes and are not subject to assessments under Section 31.

The Commission today is amending Rule 31–1 under the Exchange Act [8] by adding new paragraphs (f) and (g) to exempt options and futures, respectively, on narrow-based security indexes from Section 31. The Commission also is adopting conforming amendments to the preliminary note in Rule 31–1.

II. Discussion

A. Exemption for Options on Narrow-Based Security Indexes

The Exchange Act defines a narrow-based security index to be an index that has any one of the following four characteristics: (1) It has nine or fewer component securities; (2) any one of its component securities comprises more than 30 percent of its weighting; (3) any group of five of its component securities together comprise more than 60 percent of its weighting; or (4) the lowest weighted component securities

[1] 15 U.S.C. 78ee.

[2] *See* 15 U.S.C. 78ee(b).

[3] *See* 15 U.S.C. 78ee(c).

[4] *See* 15 U.S.C. 78ee(d).

[5] 15 U.S.C. 78ee(f).

[6] Pub. L. No. 107–123, 115 Stat. 2390 (2002).

[7] The term ''narrow-based security index'' is defined in Section 3(a)(55)(B) of the Exchange Act, 15 U.S.C. 78c(a)(55)(B).

[8] 17 CFR 240.31–1.