

**§ 381.68 [Corrected]**

■ 2. In § 381.68, the second sentence of paragraph (a) is amended by removing “10.5” and adding in its place “10”.

Done at Washington, DC, on May 13, 2010.

Alfred V. Almanza,  
Administrator.

[FR Doc. 2010-11996 Filed 5-18-10; 8:45 am]

BILLING CODE 3410-DM-P

**DEPARTMENT OF ENERGY****10 CFR Part 430**

[Docket No. EERE-2010-BT-NOA-0016]

**Notice of Availability of Interpretive Rule on the Applicability of Current Water Conservation Standards for Showerheads; Request for Comments**

**AGENCY:** Department of Energy.

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** The U.S. Department of Energy (DOE) or (the Department) is providing notice of an interpretive rule that sets out the Department's views on the definition of “showerhead” in the DOE's regulations related to the energy conservation program for consumer products. The draft interpretive rule represents the Department's interpretation of its existing regulations and is exempt from the notice and comment requirements of the Administrative Procedure Act. See 5 U.S.C. 553(b)(A). Nevertheless, given that the Department has not previously expressed its views on this definition, we are interested in receiving feedback from the public on the interpretation. At the end of the comment period, this draft interpretive rule may be adopted, revised or withdrawn.

**DATES:** Comments regarding this draft interpretive rule must be received on or before June 18, 2010.

**ADDRESSES:** Comments may be submitted to DOE using the following method:

- E-mail: [Showerhead\\_Guidance\\_Comments@hq.doe.gov](mailto:Showerhead_Guidance_Comments@hq.doe.gov). Include the docket number in the subject line of the message. Comments and suggestions should be provided in WordPerfect, Microsoft Word, PDF, or text file format.

The full text of the interpretive rule is available at [http://www1.eere.energy.gov/buildings/appliance\\_standards/residential/pdfs/showerhead\\_guidance.pdf](http://www1.eere.energy.gov/buildings/appliance_standards/residential/pdfs/showerhead_guidance.pdf).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Ms. Laura Barhydt [laura.barhydt@hq.doe.gov](mailto:laura.barhydt@hq.doe.gov) or by phone at 202-287-5772.

**SUPPLEMENTARY INFORMATION:** The U.S. Department of Energy (DOE) or (the Department) is providing notice of an interpretive rule that sets out the Department's views on the definition of “showerhead” in 10 CFR 430.2. The draft interpretive rule represents the Department's interpretation of its existing regulations and is exempt from the notice and comment requirements of the Administrative Procedure Act. See 5 U.S.C. 553(b)(A). Nevertheless, given that the Department has not previously expressed its views on this definition, we are interested in receiving feedback from the public on the interpretation. At the end of the comment period, this draft interpretive rule may be adopted, revised or withdrawn. The full text of the interpretive rule is available at [http://www1.eere.energy.gov/buildings/appliance\\_standards/residential/pdfs/showerhead\\_guidance.pdf](http://www1.eere.energy.gov/buildings/appliance_standards/residential/pdfs/showerhead_guidance.pdf).

**Authority:** 42 U.S.C. 6291 and 42 U.S.C. 6298.

Issued in Washington, DC, on May 10, 2010.

Scott Blake Harris,  
General Counsel.

[FR Doc. 2010-11572 Filed 5-18-10; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 25**

[Docket No. NM420; Special Conditions No. 25-406-SC]

**Special Conditions: Dassault Aviation Falcon Model 2000EX; Autobraking System**

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Dassault Aviation Falcon Model 2000EX airplane. This airplane will have a novel or unusual design feature(s) associated with the autobraking system for use during landing. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** Effective Date: June 18, 2010.

**FOR FURTHER INFORMATION CONTACT:** Todd Martin, FAA, Airframe/Cabin Safety, ANM-115, Transport Airplane

Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington, 98057-3356; telephone (425) 227-1178; facsimile (425) 227-1149.

**SUPPLEMENTARY INFORMATION:****Background**

On July 1, 2008, Dassault Aviation applied for a change to Type Certificate (TC) No. A50NM to install an automatic braking system on the Falcon Model 2000EX airplane. This is a pilot-selectable function that allows earlier maximum braking at landing without pilot pedal input. When the autobrake system is armed before landing, it automatically commands maximum braking at main wheels touchdown. Normal procedures remain unchanged and call for manual braking after nose wheel touchdown.

The current Federal Aviation Regulations do not contain adequate requirements to address the potentially higher structural loads that could result from this type of automatic braking system. Title 14, Code of Federal Regulations (14 CFR) 25.471 through 25.511 address ground handling loads, but do not contain a specific “pitchover” requirement addressing the loading on the nose gear, the nose gear surrounding structure, and the forward fuselage. The Dassault autobraking system, which applies maximum braking at the main wheels before the nose gear touches down, will cause a high nose gear sink rate, and potentially higher gear and airframe loads. Therefore, the FAA has determined that a special condition is needed. The special condition requires that the airplane be designed to withstand the loads resulting from maximum braking, taking into account the effects of the automatic braking system.

**Type Certification Basis**

Under the provisions of 14 CFR 21.101, Dassault Aviation must show that the Falcon Model 2000EX, as changed, continues to meet the applicable provisions of the regulations incorporated by reference in TC No. A50NM or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the “original type certification basis.” The regulations incorporated by reference in TC No. A50NM are as follows: Part 25 of 14 CFR as amended by Amendments 25-1 through 25-69. In addition, Dassault Aviation has elected to comply with the following amendments:

- Amendment 25-71 for § 25.365(e).

- Amendment 25–72 for §§ 25.783(g) and 25.177.
- Amendment 25–75 for § 25.729(e).
- Amendment 25–79 for § 25.811(e)(2).

- Amendment 25–80 for § 25.1316.

In addition, the certification basis includes certain special conditions, exemptions, or later amended sections of the applicable part that are not relevant to this proposed special condition.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, part 25) do not contain adequate or appropriate safety standards for the Falcon Model 2000EX because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Falcon Model 2000EX must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.101.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

#### Novel or Unusual Design Features

The Falcon Model 2000EX will incorporate the following novel or unusual design features:

The airplane will be equipped with an automatic braking system, which is a pilot-selectable function that allows earlier maximum braking at landing without pilot pedal input. When the autobrake system is armed before landing, it automatically commands maximum braking at main wheels touchdown. This will cause a high nose gear sink rate, and potentially higher gear and airframe loads than would occur with a traditional braking system. Therefore, the FAA has determined that a special condition is needed.

#### Discussion

The special condition defines a landing pitchover condition that takes into account the effects of the automatic

braking system. The special condition defines the airplane configuration, speeds, and other parameters necessary to develop airframe and nose gear loads for this condition. The special condition requires that the airplane be designed to support the resulting limit and ultimate loads as defined in § 25.305.

#### Discussion of Comments

Notice of proposed special conditions No. 25–09–13–SC for the Dassault Aviation Falcon Model 2000EX airplanes was published in the **Federal Register** on December 10, 2009. No comments were received, and the special conditions are adopted as proposed.

#### Applicability

As discussed above, these special conditions are applicable to the Falcon Model 2000EX. Should Dassault Aviation apply at a later date for a change to the type certificate to include another model on the same type certificate incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

#### Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability.

#### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

#### The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Dassault Aviation Falcon Model 2000EX airplanes.

#### Landing Pitchover Condition

A landing pitchover condition must be addressed that takes into account the effect of the autobrake system. The airplane is assumed to be at the design maximum landing weight, or at the maximum weight allowed with the autobrake system on. The airplane is assumed to land in a tail-down attitude and at the speeds defined in § 25.481. Following main gear contact, the airplane is assumed to rotate about the main gear wheels at the highest pitch rate allowed by the autobrake system. This is considered a limit load condition from which ultimate loads

must also be determined. Loads must be determined for critical fuel and payload distributions and centers of gravity. Nose gear loads, as well as airframe loads, must be determined. The airplane must support these loads as described in § 25.305.

Issued in Renton, Washington, on May 12, 2010.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2010–11932 Filed 5–18–10; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 9484]

RIN 1545–BH04

#### Diversification Requirements for Certain Defined Contribution Plans

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations under section 401(a)(35) of the Internal Revenue Code (Code) relating to diversification requirements for certain defined contribution plans holding publicly traded employer securities. These regulations will affect administrators of, employers maintaining, participants in, and beneficiaries of defined contribution plans that are invested in employer securities.

**DATES:** *Effective date:* These regulations are effective on May 19, 2010.

*Applicability date:* These regulations apply for plan years beginning on or after January 1, 2011.

**FOR FURTHER INFORMATION CONTACT:** R. Lisa Mojiri-Azad or Jamie Dvoretzky at (202) 622–6060 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

#### Background

This document contains final regulations under section 401(a)(35) of the Code, which was added by section 901 of the Pension Protection Act of 2006, Public Law 109–280 (120 Stat. 780 (2006)) (PPA '06).<sup>1</sup>

<sup>1</sup> Section 901 of PPA '06 also added a parallel provision to section 401(a)(35) at section 204(j) of the Employee Retirement Income Security Act of 1974, Public Law 93–406 (88 Stat. 829 (1974)) (ERISA). Under section 101 of Reorganization Plan No. 4 of 1978 (43 FR 47713), the Secretary of