IV. Statutory Basis and Text of the Rule


List of Subjects in 5 CFR Part 4401

Administrative practice and procedure. Conduct and ethics. For the reasons set out in the preamble, Title 5, Chapter XXXIV of the Code of Federal Regulations is amended as follows:

PART 4401—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR MEMBERS AND EMPLOYEES OF THE SECURITIES AND EXCHANGE COMMISSION

§ 4401.103 Outside employment and activities.

(A) Employment with any entity regulated by the Commission;

(B) Employment or any activity directly or indirectly related to the issuance, purchase, sale, investment or trading of securities or futures on securities or a group of securities, except this prohibition does not apply to securities holdings or transactions permitted by § 4401.102;

(C) Employment otherwise involved with the securities industry; or

(D) Employment otherwise in violation of any applicable law, rule or regulation.

Dated: April 4, 2011.

Elizabeth M. Murphy,
Secretary.

Robert I. Cusick,
Director, Office of Government Ethics.

[FR Doc. 2011–8485 Filed 4–8–11; 8:45 am]

DEPARTMENT OF ENERGY

10 CFR Part 430

[RIN 1904–AB89]

Energy Conservation Program for Consumer Products: Decision and Order Granting 180-Day Extension of Compliance Date for Residential Furnaces and Boilers Test Procedure Amendments; Correction


ACTION: Decision and order; correction.

SUMMARY: On March 31, 2011, the U.S. Department of Energy (DOE) published a Decision and Order in the Federal Register which granted 27 companies submitting petitions before the required date (i.e., by February 17, 2011), a 180-day extension of the compliance date for recent amendments to the DOE test procedure for residential furnaces and boilers related to the standby mode and off mode energy consumption of these products. Recently, DOE received a petition dated February 17, 2011 from a 28th manufacturer, Viessmann Manufacturing Company, Inc., in which the manufacturer also requested the above-referenced 180-day extension. Although DOE received this petition well after February 17, 2011, the Department believes a number of factors, including international postal handling and Federal mail security screening, contributed to the delay in receipt of this petition. After review, DOE has decided to grant the petition. However, DOE was not able to include its determination regarding this petition in its March 31, 2011 Decision and Order, because publication was already underway. Through this correction notice, DOE is modifying its Decision and Order to add Viessmann Manufacturing Company, Inc., to the list of companies to whom the extension of the compliance date has been granted.

DATES: This correction to the above-referenced Decision and Order is effective April 11, 2011. For representation purposes, petitioners must comply with all applicable provisions of the amended DOE test procedure for residential furnaces and boilers starting on October 15, 2011.


SUPPLEMENTARY INFORMATION:

I. Background


In the same March 31, 2011 Federal Register notice, DOE published a
Decision and Order which granted to the above 27 petitioners the requested 180-day extension of the compliance date for recent amendments to the DOE test procedure for residential furnaces and boilers related to the standby mode and off mode energy consumption of these products.

Recently, DOE received a petition dated February 17, 2011 from a 28th manufacturer, Viessmann Manufacturing Company, Inc., in which the manufacturer also requested the above-referenced 180-day extension. Viessmann Manufacturing Company’s petition recited many of the same arguments as the earlier petitioners regarding the undue hardship which the petitioner would face if the requested extension of the compliance date were not granted. DOE has determined that the petitioner has made its case and that the extension should be granted for the reasons stated in the March 31, 2011 Decision and Order.

II. Conclusion

Although DOE received this petition well after February 17, 2011, the Department believes a number of factors, including international postal handling and Federal mail security screening, contributed to this delay in receipt of the petition from this 28th manufacturer. After review, DOE has decided to grant the petition. Through this correction notice, DOE is modifying its Decision and Order to add Viessmann Manufacturing Company, Inc., to the list of companies to whom the extension of the compliance date has been granted.

Issued in Washington, DC, on April 5, 2011.

Kathleen Hogan,

[FR Doc. 2011–8572 Filed 4–8–11; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 23

[Docket No. CE310; Special Conditions No. 23–250–SC]

Special Conditions: Diamond Aircraft Industry Model DA–40NG; Diesel Cycle Engine

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Diamond Aircraft Industry (DAI) GmbH model DA–40NG the Austro Engine GmbH model E4 aircraft diesel engine (ADE) using turbine (jet) fuel. This airplane will have a novel or unusual design feature(s) associated with the installation of a diesel cycle engine utilizing turbine (jet) fuel. 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: The effective date of these special conditions is April 1, 2011.

We will receive your comments by May 11, 2011.

ADDRESSES: Mail two copies of your comments to: Federal Aviation Administration, Regional Counsel, ACE–7, Attn: Rules Docket No. CE310, 901 Locust, Kansas City, MO 64106.

You may deliver two copies to the Regional Counsel at the above address.

Mark your comments: Docket No. CE310. You may inspect comments in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel about these special conditions. You can inspect the docket before and after the comment closing date. If you wish to review the docket in person, go to the address in the ADDRESSES section of this preamble between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive by the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

If you want us to let you know we received your comments on these special conditions, send us a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

Background

On May 11, 2010 Diamond Aircraft Industry GmbH applied for an amendment to Type Certificate No. A47CE to include the new Model DA–40NG with the Austro Engine GmbH Model E4 ADE. The Model DA–40NG, which is a derivative of the model DA–40 currently approved under Type Certificate No. A47CE, is a fully composite, four place, single-engine airplane with a cantilever low wing, T–tail airplane with the Austro Engine GmbH Model E4 diesel engine and an increased maximum takeoff gross weight from 1150 kilograms (kg) to 1280 kg (2535 pounds (lbs) to 2816 lbs).

In anticipation of the reintroduction of diesel engine technology into the small airplane fleet, the FAA issued Policy Statement PS–ACE100–2002–004 on May 13, 2004, which identified areas of technological concern. Refer to this policy for a detailed summary of the FAA’s development of diesel engine requirements.

The general areas of concern involve the power characteristics of the diesel engines, the use of turbine fuel in an airplane class that is typically powered by gasoline fueled engines and the vibration characteristics and failure modes of diesel engines. A review of the historical record of diesel engine use in aircraft and part 23 identified these concerns. The review identified specific regulatory areas requiring evaluation for applicability to diesel engine installations. These concerns are not considered universally applicable to all