

installed engine(s) specification power available for the reference ambient conditions or gearbox torque limit, whichever is lower. The tiltrotor power must also be stabilized along a path starting from a point located 1,640 feet (500 m) before the flight path reference point, at 65 ft (20 m) above ground level;

(c) The nacelle angle and the corresponding best rate of climb speed, or the lowest approved speed for the climb after takeoff, whichever is the greater, must be maintained throughout the takeoff reference procedure;

(d) The rotor speed must be stabilized at the maximum normal operating RPM certificated for takeoff;

(e) The weight (mass) of the tiltrotors must be the maximum takeoff weight (mass) as requested for noise certification; and

(f) The reference takeoff flight profile is a straight line segment inclined from the starting point 1,640 feet (500 m) before to the center noise measurement point and 65 ft (20 m) above ground level at an angle defined by best rate of climb and the speed corresponding to the selected nacelle angle and for minimum specification engine performance.

**K6.3 Flyover Reference Procedure.** The flyover reference flight procedure is as follows:

(a) The tiltrotor must be stabilized for level flight along the centerline flyover flight path and over the noise measurement reference point at an altitude of 492 ft (150 m) above ground level;

(b) A constant flyover configuration selected by the applicant must be maintained;

(c) The weight (mass) of the tiltrotor must be the maximum takeoff weight (mass) as requested for noise certification;

(d) In the VTOL/Conversion mode:

(1) The nacelle angle must be at the authorized fixed operation point that is closest to the shallow nacelle angle certificated for zero airspeed;

(2) The airspeed must be  $0.9V_{CON}$  and

(3) The rotor speed must be stabilized at the maximum normal operating RPM certificated for level flight.

**K6.4 Approach Reference Procedure.** The approach reference procedure is as follows:

(a) The tiltrotor must be stabilized to follow a 6.0 degree approach path;

(b) An approved airworthiness configuration in which maximum noise occurs must be maintained;

(1) An airspeed equal to the best rate of climb speed corresponding to the nacelle angle, or the lowest approved airspeed for the approach, whichever is greater, must be stabilized and maintained; and

(2) The tiltrotor power during the approach must be stabilized over the flight path reference point, and continue as if landing;

(c) The rotor speed must be stabilized at the maximum normal operating RPM certificated for approach;

(d) The constant approach configuration used in airworthiness certification tests, with the landing gear extended, must be maintained; and

(e) The weight (mass) of the tiltrotor at landing must be the maximum landing weight (mass) as requested for noise certification.

#### Section K7 Test Procedures

**K7.1** [Reserved]

**K7.2** The test procedures and noise measurements must be conducted and processed to yield the noise evaluation measure designated in section K2 of this appendix.

**K7.3** If either the test conditions or test procedures do not comply to the applicable noise certification reference conditions or procedures prescribed by this part, the applicant must apply the correction methods described in section H36.205 of Appendix H of this part to the acoustic test data measured.

**K7.4** Adjustments for differences between test and reference flight procedures must not exceed:

(a) For takeoff: 4.0 EPNdB, of which the arithmetic sum of delta 1 and the term  $-7.5 \log(QK/QrKr)$  from delta 2 must not in total exceed 2.0 EPNdB;

(b) For flyover or approach: 2.0 EPNdB.

**K7.5** The average rotor RPM must not vary from the normal maximum operating RPM by more than  $\pm 1.0$  percent throughout the 10 dB-down time interval.

**K7.6** The tiltrotor airspeed must not vary from the reference airspeed appropriate to the flight demonstration by more than  $\pm 5$  kts ( $\pm 9$  km/h) throughout the 10 dB-down time interval.

**K7.7** The number of level flyovers made with a head wind component must be equal to the number of level flyovers made with a tail wind component.

**K7.8** The tiltrotor must operate between  $\pm 10$  degrees from the vertical or between  $\pm 65$  feet ( $\pm 20$  m) lateral deviation tolerance, whichever is greater, above the reference track and throughout the 10 dB-down time interval.

**K7.9** The tiltrotor altitude must not vary during each flyover by more than  $\pm 30$  ft ( $\pm 9$  m) from the reference altitude throughout the 10 dB-down time interval.

**K7.10** During the approach procedure, the tiltrotor must establish a

stabilized constant speed approach and fly between approach angles of 5.5 degrees and 6.5 degrees throughout the 10 dB-down time interval.

**K7.11** During all test procedures, the tiltrotor weight (mass) must not be less than 90 percent and not more than 105 percent of the maximum certificated weight (mass). For each of the test procedures, complete at least one test at or above this maximum certificated weight (mass).

**K7.12** A tiltrotor capable of carrying external loads or external equipment must be noise certificated without such loads or equipment fitted

**K7.13** The value of  $V_{CON}$  used for noise certification must be included in the approved Flight Manual.

Issued in Washington, DC, on December 21, 2012.

**Michael P. Huerta,**  
Acting Administrator.

[FR Doc. 2013-00111 Filed 1-7-13; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 420

[Docket No. FAA-2011-0105; Amdt. No. 420-6A]

RIN 2120-AJ73

#### Explosive Siting Requirements; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting a final rule published on September 7, 2012 (77 FR 55108). In that rule, the FAA amended its regulations to the requirements for siting explosives under a license to operate a launch site. The rule increases flexibility for launch site operators in site planning for the storage and handling of energetic liquids and explosives. The FAA inadvertently did not correctly identify the Department of Defense Explosives Safety Board. This document corrects the error.

**DATES:** Effective January 8, 2013.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this final rule, contact Yvonne Tran, Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-7908; facsimile (202) 267-5463, email [yvonne.tran@faa.gov](mailto:yvonne.tran@faa.gov). For legal questions concerning this final rule, contact Laura Montgomery, AGC 200,

Senior Attorney for Commercial Space Transportation, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3150; facsimile (202) 267-7971, email [laura.montgomery@faa.gov](mailto:laura.montgomery@faa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Background

On September 7, 2012, the FAA published a final rule entitled, "Explosive Siting Requirements" (77 FR 55108).

In that final rule, the FAA revised the requirements for siting explosives under a license to operate a launch site. The rule increased flexibility for launch site operators in site planning for the storage and handling of energetic liquids and explosives. In the discussion of the Overview of the Final Rule, the FAA explained that it was dispensing with the hazard groups of tables E-3 through E-6 of appendix E of Title 14, Code of Federal Regulations part 420 as a means of classification to be consistent with the Department of Defense (DOD) Explosives Safety Board (DDESB) and National Fire Protection Association (NFPA) practices. In the full title of DDESB, the FAA inadvertently used the word "siting" instead of "safety." The FAA is now correcting the error to properly identify DDESB.

#### Correction to Preamble

1. On page 55109, in the first column, in the first paragraph under Section I., correct "Department of Defense (DOD) Explosives Siting Board's (DDESB)" to read "Department of Defense (DOD) Explosives Safety Board (DDESB)".

Issued in Washington, DC on January 2, 2013.

**Lirio Liu,**

*Director, Office of Rulemaking.*

[FR Doc. 2013-00109 Filed 1-7-13; 8:45 am]

BILLING CODE 4910-13-P

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Parts 9, 12, and 171

#### Rules of Practice; Amendments to Delegations of Authority to the Office of General Counsel

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commodity Futures Trading Commission ("CFTC" or "Commission") is amending its regulations delegating authority to the

Commission's Office of General Counsel, so that all delegations thereto will be to the General Counsel, with authority to sub-delegate to any Commission employee under the supervision of the General Counsel.

**DATES:** *Effective Date:* January 8, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Lynn Bulan, Counsel, Office of General Counsel, 1155 21st Street NW., Washington, DC 20581, [lbulan@cftc.gov](mailto:lbulan@cftc.gov) and (202) 418-5120.

**SUPPLEMENTARY INFORMATION:** The Commission is revising delegations of authority to the Office of General Counsel, replacing delegations to the Deputy General Counsel for Opinions and Review with delegations to the General Counsel. The reason for this change is due to the elimination of the position of Deputy General Counsel for Opinions and Review under a reorganization within the Office of General Counsel. The revisions will permit the General Counsel to sub-delegate authority to any Commission employee under his or her supervision.

#### I. Rules Being Amended

The following CFTC rules are being amended.

##### A. 17 CFR 9.9

CFTC rule 9.9 delegates certain authority to the Deputy General Counsel for Opinions and Review. Currently, the rule authorizes the Deputy General Counsel for Opinions and Review or his/her designee to handle certain procedural and technical matters and, in his/her discretion, to submit matters otherwise falling within this rule to the Commission for its consideration. The CFTC is changing the rule to grant this authority to the General Counsel. As a result, references to the Deputy General Counsel for Opinions and Review in rule 9.9 have been changed to the General Counsel, and to any employee under the General Counsel's supervision as he or she may designate.

##### B. 17 CFR 12.10

CFTC rule 12.10(a)(3) sets forth all the persons upon whom the Proceedings Clerk must serve all notices, rulings, opinions, and orders. This list of persons includes the Deputy General Counsel for Opinions and Review. The rule is being revised such that all references to the Deputy General Counsel for Opinions and Review in rule 12.10 have been changed to the General Counsel, and permits the General Counsel to sub-delegate this authority to any Commission employee under his or her supervision.

##### C. 17 CFR 12.408

CFTC rule 12.408 is titled "Delegation of Authority to the Deputy General Counsel for Opinions." The text of the rule delegates certain functions to the General Counsel and not the Deputy General Counsel for Opinions. In order to conform the title of the section to the substance of the section, the reference in the title of the section has been changed to "Delegation of Authority to the General Counsel."

##### D. 17 CFR 171.1(c)

CFTC rule 171.1(c) provides the Deputy General Counsel for Opinions the authority to strike a notice of appeal in certain circumstances. All references to the Deputy General Counsel for Opinions in rule 171.1(c) have been changed to the General Counsel, or the General Counsel's delegate.

##### E. 17 CFR 171.50

CFTC rule 171.50 delegates certain authority to the Deputy General Counsel for Opinions. The current rule authorizes the Deputy General Counsel for Opinions and Review or his/her designee to handle certain procedural and technical matters and, in his/her discretion, to submit matters otherwise falling within this rule to the Commission for its consideration. References in rule 171.50 have been changed to the General Counsel.

#### II. Administrative Compliance

##### A. Administrative Procedure Act

The Administrative Procedure Act does not require notice of the proposed rulemaking and an opportunity for public participation in connection with these amendments, as they relate solely to agency organization, procedure and practice.<sup>1</sup> For the same reason, these rules will become effective upon publication in the **Federal Register**.<sup>2</sup>

Pursuant to the authority contained in the Commodity Exchange Act, in particular section 2(a)(4), 7 U.S.C. 2(a)(4), the CFTC corrects part 9, 12 and 171 of Title 17 of the Code of Federal Regulations as described below.

##### B. Paperwork Reduction Act and Regulatory Flexibility Act

This rulemaking does not contain any collections of information for which the Commission must seek a control number under the Paperwork Reduction Act.<sup>3</sup> Moreover, the Regulatory Flexibility Act requires the Commission to consider whether a rulemaking will

<sup>1</sup> 5 U.S.C. 553(b).

<sup>2</sup> 5 U.S.C. 553(d).

<sup>3</sup> See 44 U.S.C. 3501 *et seq.*