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## DEPARTMENT OF ENERGY

### 10 CFR Part 430

[Docket No. EERE-2011-BT-STD-0048]

RIN 1904-AC07

### Energy Conservation Program: Energy Conservation Standards for Standby Mode and Off Mode for Microwave Ovens; Correction

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Final rule; correction.

**SUMMARY:** On January 18, 2013, the U.S. Department of Energy (DOE) published a final rule amending the test procedures for microwave ovens to include provisions for measuring standby mode and off mode power. On June 17, 2013, DOE published a final rule adopting energy conservation standards for microwave oven standby mode. This document addresses a drafting error in the June 2013 standards final rule, which referenced the incorrect provision for determining standby power for microwave ovens. Neither the error nor the correction in this document affect the substance of both the test procedure and energy conservation standards rulemakings or any of the conclusions reached in support of those final rules.

**DATES:** This correction is effective on February 17, 2016.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-2J, 1000 Independence Avenue SW., Washington, DC 20585-0121.

Telephone: (202) 287-1692. Email: [kitchen\\_ranges\\_and\\_ovens@ee.doe.gov](mailto:kitchen_ranges_and_ovens@ee.doe.gov).

Ms. Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue

SW., Washington, DC 20585-0121. Telephone: (202) 287-6122. Email: [Celia.Sher@hq.doe.gov](mailto:Celia.Sher@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** DOE published a final rule in the **Federal Register** on January 18, 2013, which amended the test procedures for microwave ovens in Appendix I to include provisions for measuring standby mode and off mode power. 78 FR 4015. The provisions for the microwave oven test standby mode and off mode power measurements are contained in section 3.2.4 of Appendix I. On June 17, 2013, DOE published a final rule (the “June 2013 standards final rule”) to adopt energy conservation standards for microwave oven standby mode. 78 FR 36316. Due to a drafting error, in the June 2013 standards final rule, DOE amended 10 CFR 430.23 to add paragraph (i)(3) that incorrectly referenced section 3.2.3<sup>1</sup> of Appendix I instead of the correct section 3.2.4 for determining standby power for microwave ovens. This document amends 10 CFR 430.23(i)(3) to correctly reference section 3.2.4 of Appendix I for determining standby power for microwave ovens.

### Procedural Issues and Regulatory Review

The regulatory reviews conducted for this rulemaking are those set forth in the June 2013 standards final rule that originally codified the relevant amendments to DOE’s test procedures for microwave ovens. The relevant amendments in the June 2013 standards final rule became effective August 16, 2013.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b), DOE has determined that notice and prior opportunity for comment on this rule are unnecessary and contrary to the public interest. This rule contains a technical correction to remedy the error in the June 2013 standards final rule and to correct 10 CFR 430.23(i)(3) to reference section 3.2.4 of Appendix I for determining standby power for microwave ovens. The correction provides clarity as to the appropriate section of Appendix I to be used for determining standby power for microwave ovens and does not affect the

<sup>1</sup> Section 3.2.3 of Appendix I contains the test measurement provisions for conventional range standby mode and off mode energy consumption.

substance or the conclusions reached in the June 2013 standards final rule.

### List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on February 9, 2016.

**Kathleen B. Hogan,**

*Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.*

For the reasons stated in the preamble, part 430 of title 10 of the Code of Federal Regulations is corrected by making the following correcting amendments:

### PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

**Authority:** 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Section 430.23 is amended by revising paragraph (i)(3) to read as follows:

### § 430.23 Test procedures for the measurement of energy and water consumption.

\* \* \* \* \*

(i) \* \* \*

(3) The standby power for microwave ovens shall be determined according to section 3.2.4 of appendix I to this subpart. The standby power shall be rounded off to the nearest 0.1 watt.

\* \* \* \* \*

[FR Doc. 2016-03191 Filed 2-16-16; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 25

[Docket No. FAA-2014-1077; Special Conditions No. 25-609-SC]

### Special Conditions: Dassault Aviation Model Falcon 5X Airplane, Design Roll Maneuver Condition

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Dassault Aviation Model Falcon 5X airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is electronic flight controls that affect maneuvering. 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:** This action is effective on Dassault Aviation on February 17, 2016. We must receive your comments by April 4, 2016.

**ADDRESSES:** Send comments identified by docket number FAA–2014–1077 using any of the following methods:

- *Federal eRegulations Portal:* Go to <http://www.regulations.gov/> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202–493–2251.

*Privacy:* The FAA will post all comments it receives, without change, to <http://www.regulations.gov/>, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at <http://DocketsInfo.dot.gov/>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov/> at any time. Follow the online instructions for accessing the docket or go to Docket

Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mark Freisthler, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1119; facsimile 425–227–1320.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplane.

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 publication in the **Federal Register**.

#### 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 will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

#### Background

On July 1, 2012, Dassault Aviation applied for a type certificate for their new Model Falcon 5X airplane.

The Model Falcon 5X airplane is a transport-category airplane to be operated in private/corporate transportation with a maximum of 19 passengers. The airplane incorporates a low, swept-wing design with winglets; twin rear-fuselage-mounted engines; and the newest generation of Dassault Aviation's EASy flightdeck.

The Model Falcon 5X will include electronic flight controls that affect maneuvering.

#### Type Certification Basis

Under the provisions of 14 CFR 21.17, Dassault Aviation must show that the Model Falcon 5X airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–136.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model Falcon 5X airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model Falcon 5X airplane 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 § 21.17(a)(2).

#### Novel or Unusual Design Features

The Model Falcon 5X airplane will incorporate the following novel or unusual design feature:

This airplane is equipped with an electronic flight-control system that provides control through pilot inputs to the flight computer, thereby affecting maneuverability of the airplane as compared to conventional control systems.

#### Discussion

Current part 25 airworthiness regulations account for control laws for which aileron deflection is proportional to control-stick deflection. They do not address nonlinearities or other effects on aileron actuation that may be caused by electronic flight controls. Because this type of system may affect flight loads, and therefore the structural capability of the airplane, specific regulations are needed to address these effects.

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.

#### Applicability

As discussed above, these special conditions are applicable to the Model Falcon 5X airplane. Should Dassault Aviation apply at a later date for a

change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

### Conclusion

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

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. Therefore, 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 publication in the **Federal Register**. 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 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 Model Falcon 5X airplanes.

In lieu of compliance to § 25.349(a), the following conditions, speeds, and cockpit roll-control motions (except as the motions may be limited by pilot effort) must be considered in combination with an airplane load factor of zero, and of two-thirds of the positive maneuvering factor used in design. In determining the resulting control-surface deflections, the torsional flexibility of the wing must be considered in accordance with § 25.301(b).

1. Conditions corresponding to steady rolling velocities must be investigated. In addition, conditions corresponding to maximum angular acceleration must be investigated for airplanes with engines or other weight concentrations outboard

of the fuselage. For the angular acceleration conditions, zero rolling velocity may be assumed in the absence of a rational time-history investigation of the maneuver.

2. At  $V_A$ , sudden movement of the cockpit roll control up to the limit is assumed. The position of the cockpit roll control must be maintained until a steady roll rate is achieved, and then must be returned suddenly to the neutral position.

3. At  $V_C$ , the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than that obtained in special condition 2, above.

4. At  $V_D$ , the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than one-third of that obtained in special condition 2, above.

Issued in Renton, Washington, on February 4, 2016.

**Michael Kaszycki,**

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

[FR Doc. 2016-03212 Filed 2-16-16; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2015-0249; Directorate Identifier 2014-NM-174-AD; Amendment 39-18393; AD 2016-03-06]

**RIN 2120-AA64**

#### Airworthiness Directives; The Boeing Company Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are superseding Airworthiness Directive (AD) 2012-18-05 for The Boeing Company Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 series airplanes; and Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 airplanes; equipped with a center wing fuel tank and Boeing original equipment manufacturer-installed auxiliary fuel tanks. AD 2012-18-05 required adding design features to detect electrical faults and to detect a pump running in an empty fuel tank. Since we issued AD 2012-18-05, we have determined that it is necessary to clarify the actions for airplanes on which the auxiliary fuel tanks are removed. This new AD allows certain actions as optional methods of

compliance. This AD was prompted by our determination that it is necessary to clarify the actions for airplanes on which the auxiliary fuel tanks are removed. We are issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

**DATES:** This AD is effective March 23, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 23, 2016.

**ADDRESSES:** For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800-0019, Long Beach, CA 90846-0001; telephone 206-544-5000, extension 2; fax 206-766-5683; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0249.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0249; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Serj Harutunian, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5254; fax: 562-627-5210; email: [serj.harutunian@faa.gov](mailto:serj.harutunian@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR