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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 121

[Docket No. FAA-2002-6717; Amendment No. 121-348]

RIN 2120-AI03

#### Extended Operations (ETOPS) of Multi-Engine Airplanes; Technical Amendment

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

**ACTION:** Final rule; Technical amendment.

**SUMMARY:** The Federal Aviation Administration is making a minor amendment to a previously published final rule. That final rule applied to air carrier, commuter, and on-demand turbine powered multi-engine airplanes used in passenger-carrying, and some all-cargo, extended-range operations. This technical amendment corrects an incorrect citation reference.

**DATES:** Effective March 15, 2010.

**FOR FURTHER INFORMATION CONTACT:** Zara Willis, Office of Rulemaking, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 493-4405 facsimile (202) 267-5075; e-mail [Zara.Willis@faa.gov](mailto:Zara.Willis@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final rule, Extended Operations (ETOPS) of Multi-engine Airplanes, applied to air carrier (part 121), commuter, and on-demand (part 135) turbine powered multi-engine airplanes used in passenger-carrying, extended range operations (January 16, 2007; 72 FR 1808). All-cargo operations in airplanes with more than two engines of both part 121 and part 135 were exempted from the majority of this rule.

The rule established regulations governing the design, operation and maintenance of certain airplanes operated on flights that fly long distances from an adequate airport. It codified current FAA policy, industry best practices and recommendations, as well as international standards designed to ensure long-range flights will continue to operate safely. To ease the transition for current operators, the rule included delayed compliance dates for certain ETOPS requirements.

In the final rule § 121.646(b)(1)(i)(B) incorrectly references § 121.133. The citation should read § 121.333.

#### Technical Amendment

This technical amendment merely corrects an incorrect cross-reference in § 121.646. No other changes are made to the section.

#### Justification for Immediate Adoption

Because this action corrects a cross-reference, the FAA finds that notice and public comment under 5 U.S.C. 553(b) is unnecessary. For the same reason, the FAA finds that good cause exists under 5 U.S.C. 553(d) for making this rule effective upon publication.

#### List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Airmen, Alcohol abuse, Aviation safety, Charter flights, Drug abuse, Drug testing, Reporting and recordkeeping requirements, Safety, and Transportation.

#### The Amendment

■ In consideration of the forgoing, the Federal Aviation Administration amends 14 CFR part 121 as follows:

#### PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

##### § 121.646 [Amended]

■ 1. Amend § 121.646 (b)(1)(i)(B) by removing the citation “§ 121.133” and adding in its place the citation “§ 121.333.”

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

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking.*

[FR Doc. 2010-5589 Filed 3-12-10; 8:45 am]

**BILLING CODE 4910-13-P**

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Parts 4022 and 4044

#### Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** Pension Benefit Guaranty Corporation's regulations on Allocation of Assets in Single-Employer Plans and Benefits Payable in Terminated Single-Employer Plans prescribe interest assumptions for valuing and paying certain benefits under terminating single-employer plans. This final rule amends the asset allocation regulation to adopt interest assumptions for plans with valuation dates in the second quarter of 2010 and amends the benefit payments regulation to adopt interest assumptions for plans with valuation dates in April 2010. Interest assumptions are also published on PBGC's Web site (<http://www.pbgc.gov>).

**DATES:** Effective April 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

**SUPPLEMENTARY INFORMATION:** PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

These interest assumptions are found in two PBGC regulations: The regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) and the regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022). Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit

payments regulation are updated monthly. This final rule updates the assumptions under the asset allocation regulation for the second quarter (April through June) of 2010 and updates the assumptions under the benefit payments regulation for April 2010.

The interest assumptions prescribed under the asset allocation regulation (found in Appendix B to Part 4044) are used for the valuation of benefits for allocation purposes under ERISA section 4044. Two sets of interest assumptions are prescribed under the benefit payments regulation: (1) A set for PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by PBGC (found in Appendix B to Part 4022), and (2) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology (found in Appendix C to Part 4022).

This amendment (1) adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during the second quarter (April through June) of 2010, (2) adds to Appendix B to Part 4022 the interest assumptions for PBGC to use for its own lump-sum payments in plans with valuation dates during April 2010, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology for valuation dates during April 2010.

The interest assumptions that PBGC will use for valuing benefits for allocation purposes (set forth in Appendix B to part 4044) will be 4.63 percent for the first 20 years following the valuation date and 4.51 percent thereafter. In comparison with the interest assumptions in effect for the first quarter of 2010, these interest assumptions represent a decrease of 0.26 percent for the first 20 years following the valuation date and a decrease of 0.12 percent for all years thereafter.

The interest assumptions that PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 2.75 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for March 2010, these interest assumptions are unchanged. For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during April 2010,

PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

**List of Subjects**

*29 CFR Part 4022*

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

*29 CFR Part 4044*

Employee benefit plans, Pension insurance, Pensions.

■ In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

**PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS**

■ 1. The authority citation for part 4022 continues to read as follows:

**Authority:** 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 198 is added to the table to read as follows:

**Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments**

\* \* \* \* \*

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
* 198	* 4-1-10	* 5-1-10	* 2.75	* 4.00	* 4.00	* 4.00	* 7	* 8

■ 3. In appendix C to part 4022, Rate Set 198 is added to the table to read as follows:

**Appendix C to Part 4022—Lump Sum Interest Rates For Private-Sector Payments**

\* \* \* \* \*

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
* 198	* 4-1-10	* 5-1-10	* 2.75	* 4.00	* 4.00	* 4.00	* 7	* 8

**PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS**

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry for April–June 2010 is added to the table to read as follows:

**Appendix B to Part 4044—Interest Rates Used to Value Benefits**

\* \* \* \* \*

For valuation dates occurring in the months—	The values of $i_t$ are:					
	$i_t$	for $t =$	$i_t$	for $t =$	$i_t$	for $t =$
April–June 2010 .....	0.0463	1–20	0.0451	>20	N/A	N/A

Issued in Washington, DC, on this March 9, 2010.

**Vincent K. Snowbarger,**

*Acting Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 2010–5541 Filed 3–12–10; 8:45 am]

BILLING CODE 7709–01–P

from the Inspection Service or the Manager, Mailing Standards, USPS Headquarters, unless an appeal is taken to the Judicial Officer Department in accordance with rules of procedure set out in part 959 of this chapter.

\* \* \* \* \*

■ 3. Revise § 310.6 to read as follows:

**§ 310.6 Advisory opinions.**

An advisory opinion on any question arising under this part and part 320 of this chapter may be obtained by writing the General Counsel, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260–1100. A numbered series of advisory opinions is available for inspection by the public in the Library of the U.S. Postal Service, and copies of individual opinions may be obtained upon payment of charges for duplicating services.

**PART 320—[AMENDED]**

■ 4. The authority citation for 39 CFR Part 320 continues to read as follows:

Authority: 39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699.

■ 5. In § 320.3:

■ a. Revise paragraph (a) to read as set forth below; and

■ b. Amend paragraph (b) in the second sentence by removing the words “the RCSC” and adding the words “Mailing Standards” in their place.

**§ 320.3 Operations under suspension for certain data processing materials.**

(a) Carriers intending to establish or alter operations based on the suspension granted pursuant to § 320.2 shall, as a condition to the right to operate under the suspension, notify the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza SW, Rm. 3436, Washington, DC 20260–3436, of their intention to establish such operations not later than the beginning of such operations. Such notification, on a form available from the office of Mailing Standards, shall include information on the identity and authority of the carrier

and the scope of its proposed operations.

\* \* \* \* \*

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 2010–5622 Filed 3–12–10; 8:45 am]

BILLING CODE 7710–12–P

**POSTAL SERVICE**

**39 CFR Parts 310 and 320**

**Restrictions on Private Carriage of Letters**

AGENCY: Postal Service™

ACTION: Final rule.

**SUMMARY:** This rule amends the Postal Service regulations on the enforcement and suspension of the Private Express Statutes to correct obsolete addresses.

**DATES:** *Effective Date:* March 15, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Garry Rodriguez, 202–268–7281.

**SUPPLEMENTARY INFORMATION:**

Amendment of parts 310 and 320 is necessary to correct the addresses for inquiries and other correspondence regarding enforcement of the Private Express Statutes.

**List of Subjects in 39 CFR Parts 310 and 320**

Advertising; Computer technology.

■ For the reasons set forth above, the Postal Service amends 39 CFR Chapter I, Subchapter E as follows:

**PART 310—[AMENDED]**

■ 1. The authority citation for 39 CFR part 310 continues to read as follows:

Authority: 39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699.

■ 2. Revise § 310.5(b) to read as follows:

**§ 310.5 Payment of postage on violation.**

\* \* \* \* \*

(b) The amount equal to postage will be due and payable not later than 15 days after receipt of formal demand

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571**

[Docket No. NHTSA–2010–0032]

RIN 2127–AK48

**Federal Motor Vehicle Safety Standards; Side Impact Protection; Fuel System Integrity; Electric-Powered Vehicles; Electrolyte Spillage and Electrical Shock Protection**

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; response to petitions for reconsideration.

**SUMMARY:** This document comprises the agency’s second of two responses to petitions for reconsideration of a September 11, 2007, final rule that upgraded Federal Motor Vehicle Safety Standard (FMVSS) No. 214, “Side impact protection.” The final rule incorporated a vehicle-to-pole test into the standard, adopted technically-advanced test dummies and enhanced injury criteria, and incorporated the advanced dummies into the standard’s moving deformable barrier test. An earlier response was published on June 9, 2008, which addressed lead time, phase-in percentages, test speed, and other issues. Today’s response addresses the remaining issues raised by the petitions.

**DATES:** *Effective Date:* The date on which this final rule amends the CFR is May 14, 2010.