

### Credit for Actions Accomplished in Accordance With Previous Service Information

(j) Installations accomplished before the effective date of this AD, according to the applicable service bulletins specified paragraphs (j)(1), (j)(2), and (j)(3) of this AD, are considered acceptable for compliance with the corresponding installations specified in this AD.

(1) Airbus Service Bulletin A300-57-0249, dated May 22, 2007; or Airbus Service Bulletin A300-57-0249, Revision 01, dated December 19, 2007 (for Model A300 B4-2C, B4-103, and B4 203 airplanes);

(2) Airbus Service Bulletin A300-57-6106, May 22, 2007; or Airbus Service Bulletin A300-57-6106, Revision 01, January 28, 2008 (for Model A300-600 series airplanes); and

(3) Airbus Service Bulletin A310-57-2090, dated May 22, 2007; or Airbus Service Bulletin A310-57-2090, Revision 01, dated December 19, 2007 (for Model A310 series airplanes).

### FAA AD Differences

**Note 1:** This AD differs from the MCAI and/or service information as follows: No differences.

### Other FAA AD Provisions

(k) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM-116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to *Attn:* Dan Rodina, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone (425) 227-2125; fax (425) 227-1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

### Related Information

(l) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2010-0251, dated November 29, 2010; Airbus Mandatory Service Bulletin A300-57-0249, Revision 02, dated June 18, 2010; Airbus Service Bulletin A300-57-6106, Revision 02, dated June 18, 2010; and Airbus Mandatory Service Bulletin

A310-57-2090, Revision 02, dated June 18, 2010; for related information.

Issued in Renton, Washington, on October 28, 2011.

**Ali Bahrami,**

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

[FR Doc. 2011-28833 Filed 11-7-11; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 183

[Docket No. FAA-2011-1149]

#### Clarification of Policy Regarding Designated Aircraft Dispatcher Examiners

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

**ACTION:** Notice of availability; request for comment.

**SUMMARY:** This document announces the availability of a revised section of FAA Order 8900.1, regarding the qualification, authority, and limitations of Designated Aircraft Dispatcher Examiners (DADEs). This section provides guidance to FAA employees on the responsibilities, qualifications, and oversight of DADEs under 14 CFR part 183. Under this proposed revision, the FAA is clarifying its policy regarding the qualifications, privileges, and limitations of these designees, in addition to establishing guidelines for DADEs when testing applicants for an Aircraft Dispatcher Certificate. Upon review of the comments and any necessary revision, this Order would cancel and replace FAA Order 8900.1, Volume 5, Chapter 5, Section 10, and Volume 13, Chapter 3, Sections 1-4, issued September 13, 2007.

**DATES:** Written comments must be received on or before December 8, 2011.

**ADDRESSES:** Send comments identified by docket number FAA-2011-1149 using any of the following methods:

- *Federal eRulemaking 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 dockets, 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 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:

Theodora Kessaris, Technical Programs Branch, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; *telephone:* (202) 267-8166; *facsimile:* (202) 267-5229; *email:* [Theodora.kessaris@faa.gov](mailto:Theodora.kessaris@faa.gov).

#### Background

FAA Order 8900.1, Flight Standards Information Management System, was issued on September 13, 2007. This order consolidated and replaced FAA Orders 8300.1, 8400.1, and 8700.1, the FAA's guidance to inspectors. Included in FAA Order 8900.1 is guidance regarding FAA oversight of various designees authorized under 14 CFR part 183. Designees are private persons that the FAA Administrator has designated to act as his representative in examining, inspecting and testing persons and aircraft for the purpose of issuing airman, operating and aircraft certificates. Included in the list of persons the Administrator may designate to perform these functions on his behalf are Designated Aircraft Dispatch Examiners (DADEs). Pursuant to 14 CFR 183.25(f), these designees may accept applications for and conduct written and practical tests for issuing aircraft dispatcher certificates under part 65. In some instances, DADEs may be authorized to issue temporary aircraft

dispatcher certificates to qualified applicants.

The provisions in 14 CFR part 183 do not establish qualification requirements for DADEs. In October 2008, the FAA published guidance for inspectors that addressed DADE qualifications and the FAA's oversight of DADEs. This guidance was not published for public comment. This proposed revision of the Order would clarify the 2008 guidance and include the following significant information:

- A DADE will not test outside of the geographic limits of the Certificate Holding District Office (CHDO) without prior permission from the CHDO.

This limitation is necessary to ensure proper oversight and monitoring of the administration of these tests by the appropriate FAA district office.

- A DADE will not be an employee of a 14 CFR part 65 course operator.

This limitation is necessary due to the potential for a conflict-of-interest which could occur based on the requirement under § 65.63(c)(1) for a course operator to maintain an 80% pass rate of its graduates, on the first testing attempt, as a condition for renewal of a course. The FAA is concerned that a DADE employed by such a course operator might not be objective when administering a test to an applicant who has graduated from the DADE's employer or affiliate.

- Time spent testing an applicant should be no more than 6 hours.

This time period is based on the national average which was verified by Aviation Safety Inspectors with oversight responsibility of DADEs. This time period takes into account the extensive requirements of the Aircraft Dispatcher Practical Test Standards (PTS), and the ability of a candidate for an aircraft dispatcher certificate to demonstrate his or her ability to manage a typical aircraft dispatcher's workload by completing each task in a timely manner.

- A DADE will not test more than one applicant for an aircraft dispatcher certificate at a time.

This limitation is intended to establish consistency with the FAA's already established policy for initial pilot certification.

- A DADE will not administer more than two Aircraft Dispatcher Practical Tests in a single day.

This limitation takes in to account the testing of a single applicant at a time, and an overall test time of approximately 6 hours per applicant, not including the time it takes to complete the application paper work. This policy is also consistent with that which is applicable to pilot testing.

While the FAA generally does not request comment on internal orders, the agency has established a docket for public comments regarding this guidance for inspectors in recognition of the interest of current DADEs and applicants for an aircraft dispatcher certificate under part 65. The agency will consider all comments received by December 8, 2011. Comments received after that date may be considered if consideration will not delay agency action on the review. A copy of the proposed order is available for review in the assigned docket for the Order at <http://www.regulations.gov>.

Issued in Washington, DC, on October 26, 2011.

**John M. Allen,**

*Director, Flight Standards Service.*

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-157714-06]

RIN 1545-BG43

#### Determination of Governmental Plan Status

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

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Treasury Department and IRS anticipate issuing regulations under section 414(d) of the Internal Revenue Code (Code) to define the term "governmental plan." This document describes the rules that the Treasury Department and IRS are considering proposing relating to the determination of whether a plan is a governmental plan within the meaning of section 414(d) and contains an appendix that includes a draft notice of proposed rulemaking on which the Treasury Department and IRS invite comments from the public. This document applies to sponsors of, and participants and beneficiaries in, employee benefit plans that are determined to be governmental plans.

**DATES:** Written or electronic comments must be received by February 6, 2012.

**ADDRESSES:** Send submissions relating to the section 414(d) draft general regulations to: CC:PA:LPD:PR (REG-157714-06), room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington DC,

20044. Submissions may be hand delivered Monday through Friday, between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG-157714-06), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC.

Alternately, taxpayers may submit comments relating to the section 414(d) draft general regulations electronically via the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) (IRS-REG-157714-06).

**FOR FURTHER INFORMATION CONTACT:** Concerning the ANPRM, Pamela R. Kinard, at (202) 622-6060; concerning submission of comments, Richard A. Hurst, at [Richard.A.Hurst@irscounsel.treas.gov](mailto:Richard.A.Hurst@irscounsel.treas.gov) or at (202) 622-7180 (not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

##### Background

This document describes rules that the Treasury Department and IRS are considering proposing and contains a draft notice of proposed rulemaking (in the Appendix to this ANPRM) under section 414(d) of the Internal Revenue Code (Code). Under the draft notice of proposed rulemaking (in the Appendix to this ANPRM), the rules would provide general guidance relating to the determination of whether a retirement plan is a governmental plan within the meaning of section 414(d) (section 414(d) draft general regulations). The principles described in this ANPRM could also apply for purposes of certain parallel terms in sections 403(b) and 457 of the Code.

Section 414(d) of the Code provides that the term "governmental plan" generally means a plan established and maintained for its employees by the Government of the United States, by the government of any State or political subdivision thereof, or by any agency or instrumentality of any of the foregoing. See sections 3(32) and 4021(b)(2) of the Employee Retirement Income Security Act of 1974 (ERISA) for definitions of the term "governmental plan," which govern respectively for purposes of title I and title IV of ERISA.<sup>1</sup>

The term "governmental plan" also includes any plan to which the Railroad Retirement Act of 1935 or 1937 (49 Stat. 967, as amended by 50 Stat. 307) applies and which is financed by contributions

<sup>1</sup> The three definitions of the term "governmental plan" are essentially the same. The only difference is that, in defining the term "governmental plan," section 3(32) of ERISA uses the phrase "established or maintained," whereas section 414(d) of the Code and section 4021(b) of ERISA use the term "established and maintained."