

(2) The issuance of this order amending the Northeast and other orders is the only practical means pursuant to the declared policy of the AMAA of advancing the interests of producers as defined in the orders as hereby amended; and

(3) The issuance of this order amending the Northeast and other orders is favored by at least two-thirds of the producers who were engaged in the production of milk for sale in the respective marketing areas.

#### List of Subjects in 7 CFR Part 1000

Milk marketing orders.

#### Order Relative to Handling

*It is therefore ordered*, that on and after the effective date hereof, the handling of milk in the Northeast and other marketing areas shall be in conformity to and in compliance with the terms and conditions of the orders, as amended, and as hereby amended, as follows:

■ For reasons set forth in the preamble, 7 CFR part 1000 is amended as follows:

#### PART 1000—GENERAL PROVISIONS OF FEDERAL MILK MARKETING ORDERS

■ 1. The authority citation for 7 CFR part 1000 continues to read as follows:

**Authority:** 7 U.S.C. 601–674, and 7253.

■ 2. In § 1000.15, paragraphs (a) and (b)(1) are revised to read as follows:

##### § 1000.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, *fluid milk product* shall mean any milk products in fluid or frozen form that are intended to be used as beverages containing less than 9 percent butterfat and 6.5 percent or more nonfat solids or 2.25 percent or more true milk protein. Sources of such nonfat solids/protein include but are not limited to: Casein, whey protein concentrate, milk protein concentrate, dry whey, caseinates, lactose, and any similar dairy derived ingredient. Such products include, but are not limited to: Milk, fat-free milk, lowfat milk, light milk, reduced fat milk, milk drinks, eggnog and cultured buttermilk, including any such beverage products that are flavored, cultured, modified with added or reduced nonfat solids, sterilized, concentrated, or reconstituted. As used in this part, the term concentrated milk means milk that contains not less than 25.5 percent, and not more than 50 percent, total milk solids.

(b) \* \* \*

(1) Any product that contains less than 6.5 percent nonfat milk solids and

contains less than 2.25 percent true milk protein; whey; plain or sweetened evaporated milk/skim milk; sweetened condensed milk/skim milk; yogurt containing beverages with 20 or more percent yogurt by weight and kefir; products especially prepared for infant feeding or dietary use (meal replacement) that are packaged in hermetically sealed containers; and products that meet the compositional standards specified in paragraph (a) of this section but contain no fluid milk products included in paragraph (a) of this section.

\* \* \* \* \*

■ 3. In § 1000.40, paragraph (b)(2)(iii) and (b)(2)(vi) are revised to read as follows:

##### § 1000.40 Classes of utilization.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(iii) Aerated cream, frozen cream, sour cream, sour half-and-half, sour cream mixtures containing non-milk items; yogurt, including yogurt containing beverages with 20 percent or more yogurt by weight and kefir, and any other semi-solid product resembling a Class II product;

\* \* \* \* \*

(vi) Products especially prepared for infant feeding or dietary use (meal replacements) that are packaged in hermetically sealed containers and products that meet the compositional standards of § 1000.15(a) but contain no fluid milk products included in § 1000.15(a).

\* \* \* \* \*

■ 4. In § 1000.43, paragraph (c) is revised to read as follows:

##### § 1000.43 General classification rules.

\* \* \* \* \*

(c) If any of the water but none of the nonfat solids contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids. If any of the nonfat solids contained in the milk from which a product is made are removed before the product is utilized or disposed of by the handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of

the water and nonfat solids originally associated with such solids determined on a protein equivalent basis.

\* \* \* \* \*

Dated: August 17, 2010.

**Rayne Pegg,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2010–20972 Filed 8–23–10; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2010–0800; Directorate Identifier 2010–NM–162–AD; Amendment 39–16416; AD 2010–18–03]

**RIN 2120–AA64**

#### Airworthiness Directives; Dassault-Aviation Model FALCON 7X Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Several in service events related to various electrical systems, have led to the discovery of a common root cause: A leakage failure mode of Transient Voltage Suppressor (TVS) diodes used on Power Distribution Control Units (PDCU) cards or Generator Control Unit (GCU) cards in the Primary Power Distribution Boxes (PPDB). Due to such TVS diode failure mode, operation of some electrical circuits is degraded and some control signals are set at unexpected levels. Further analysis indicated that combination of a TVS diode failure with other systems failures could significantly reduce flight safety.

\* \* \* \* \*

The unsafe condition is a leakage failure mode of TVS diodes used on PDCU cards or GCU cards in the PPDB, which in combination with other system failures could lead to loss of controllability of the airplane. This AD requires actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** This AD becomes effective September 8, 2010.

We must receive comments on this AD by October 8, 2010.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office 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 street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1137; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2010-0073, dated April 15, 2010 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

Several in service events related to various electrical systems, have led to the discovery of a common root cause: A leakage failure mode of Transient Voltage Suppressor (TVS) diodes used on Power Distribution Control Units (PDCU) cards or Generator Control Unit (GCU) cards in the Primary Power Distribution Boxes (PPDB). Due to such TVS diode failure mode, operation of some electrical circuits is degraded and some control signals are set at unexpected levels. Further analysis indicated that combination of a TVS diode failure with other systems failures could significantly reduce flight safety.

To prevent and correct this condition, some Airplane Flight Manual (AFM) procedures have been modified to reduce the time of exposure to further failures whenever a TVS diode failure occurs. Additionally, a field tester has been developed to test all TVS diodes installed on the PDCU and GCU cards for the detection of components beyond acceptable tolerances. The criteria for PDCU or GCU card replacement in case of detection of faulty components have been identified.

This AD requires the accomplishment of the revised AFM procedures, the testing and, as necessary, the replacement of the affected PDCU and GCU cards.

Meanwhile, Dassault Aviation is developing a modification (M724), to improve PDCU and GCU cards, with TVS diodes having reduced susceptibility to the leakage failure mode.

The unsafe condition is a leakage failure mode of TVS diodes used on PDCU cards or GCU cards in the PPDB, which in combination with other system failures could lead to loss of controllability of the airplane. You may obtain further information by examining the MCAI in the AD docket.

#### Interim Action

This AD does not require the inspection of and on-condition replacement of the PDCU and GCU cards in paragraph (3) of EASA AD 2010-0073, dated April 15, 2010, and this AD does not provide credit for accomplishment of certain service bulletins in paragraph (4) of EASA AD 2010-0073, dated April 15, 2010. The planned compliance time for the inspection of and on-condition replacement of the PDCU and GCU cards in paragraph (3) of EASA AD 2010-0073, dated April 15, 2010, would allow enough time to provide notice and opportunity for prior public comment on the merits of those actions. Therefore, we are considering further rulemaking to address this issue.

#### FAA’s Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between the AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in

general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the AD.

#### FAA’s Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because a leakage failure mode of TVS diodes used on PDCU cards or GCU cards in the PPDB, combined with other possible systems failures, could lead to loss of control of the airplane. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2010-0800; Directorate Identifier 2010-NM-162-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. “Subtitle VII: Aviation Programs,” describes in more

detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

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

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

#### 2010-18-03 Dassault-Aviation:

Amendment 39-16416. Docket No. FAA-2010-0800; Directorate Identifier 2010-NM-162-AD.

### Effective Date

(a) This airworthiness directive (AD) becomes effective September 8, 2010.

### Affected ADs

(b) None.

### Applicability

(c) This AD applies to Dassault-Aviation Model FALCON 7X airplanes, certificated in any category, all serial numbers except those on which Dassault-Aviation Modification M724 is embodied.

### Subject

(d) Air Transport Association (ATA) of America Code 24: Electrical Power.

### Reason

(e) The mandatory continued airworthiness information (MCAI) states:

"Several in service events related to various electrical systems, have led to the discovery of a common root cause: a leakage failure mode of Transient Voltage Suppressor (TVS) diodes used on Power Distribution Control Units (PDCU) cards or Generator Control Unit (GCU) cards in the Primary Power Distribution Boxes (PPDB). Due to such TVS diode failure mode, operation of some electrical circuits is degraded and some control signals are set at unexpected levels. Further analysis indicated that combination of a TVS diode failure with other systems failures could significantly reduce flight safety."

\* \* \* \* \*

The unsafe condition is a leakage failure mode of TVS diodes used on PDCU cards or GCU cards in the PPDB, which in combination with other system failures could lead to loss of controllability of the airplane.

### Compliance

(f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

### Actions

(g) Within 30 days after the effective date of this AD, revise the Abnormal Procedures and Limitations sections of the Dassault F7X Airplane Flight Manual (AFM) to include the following statement. This may be done by inserting copies of this AD into the AFM Limitations section and Abnormal Procedures section.

"Upon display of ELEC:BUS MISCONFIG TIED in Crew Alerting System (Abnormal procedure 3-190-20), land at nearest suitable airport

Upon display of ELEC:LH ESS PWR LO or ELEC:LH ESS NO PWR (Abnormal procedure 3-190-40), land at nearest suitable airport

Upon display of ELEC:RH ESS PWR LO and ELEC:RH ESS NO PWR (Abnormal procedure 3-190-45), land at nearest suitable airport

Upon display of HYD:BACKUP PUMP HI TEMP (Abnormal procedure 3-250-15), set off the pump and if the backup pump is still rotating (green) in hydraulic synoptic, descend to a safe altitude or below 15,000 ft

Caution: These temporary amendments take precedence over the same procedures

displayed through the Electronic Check List (ECL) in the aeroplane."

**Note 1:** When a statement identical to that in paragraph (g) of this AD has been included in the Limitations section and Abnormal Procedures section in the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed.

### FAA AD Differences

**Note 2:** This AD differs from the MCAI and/or service information as follows:

(1) While the European Aviation Safety Agency (EASA) AD 2010-0073, dated April 15, 2010, has a compliance time of "after the effective date of this AD," this AD requires that the actions be done within 30 days after the effective date of this AD.

(2) This AD does not require the inspection of and on-condition replacement of the PDCU and GCU cards in paragraph (3) of EASA AD 2010-0073, dated April 15, 2010, and this AD does not provide credit for accomplishment of certain service bulletins in paragraph (4) of EASA AD 2010-0073, dated April 15, 2010.

### Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1137; fax (425) 227-1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards 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.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

### Related Information

(i) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2010-0073, dated April 15, 2010, for related information.

### Material Incorporated by Reference

(j) None.

Issued in Renton, Washington, on August 11, 2010.

Ali Bahrami,

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 2010-20839 Filed 8-23-10; 8:45 am]

BILLING CODE 4910-13-P

## FEDERAL TRADE COMMISSION

### 16 CFR Part 310

#### Telemarketing Sales Rule

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** The Federal Trade Commission ("Commission") published a final rule on August 10, 2010, adopting amendments to the Telemarketing Sales Rule that address the telemarketing of debt relief services. This document makes technical corrections to that final rule.

**DATES:** *Effective Date:* September 27, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Allison Brown, Attorney, Division of Financial Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580 (202-326-3224).

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2010-19412 appearing on page 48458 in the *Federal Register* of Tuesday, August 10, 2010, the following corrections are made:

#### § 310.8 [Corrected]

■ 1. On page 48523, in the first column, in § 310.8 (c), "\$54" is corrected to read "\$55" and, "\$14,580" is corrected to read "\$15,058".

#### § 310.8 [Corrected]

■ 2. On the same page, in the second column, in § 310.8 (d), in the fourth line, "\$54" is corrected to read "\$55".

Donald S. Clark,

Secretary.

[FR Doc. 2010-20680 Filed 8-23-10; 8:45 am]

BILLING CODE 6750-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 9499]

RIN 1545-BF65

#### Clarification to Section 6411 Regulations

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

**ACTION:** Final regulations and removal of temporary regulations.

**SUMMARY:** This document contains final regulations amending existing regulations under section 6411 of the Internal Revenue Code (Code) relating to the computation and allowance of the tentative carryback adjustment. These regulations adopt without change the rules of the temporary regulations, which clarify that, for purposes of allowing a tentative adjustment, the IRS may credit or reduce the tentative adjustment by both assessed and certain unassessed tax liabilities. These final regulations affect taxpayers that file an application for a tentative carryback allowance.

**DATES:** *Effective Date:* These regulations are effective on August 24, 2010.

*Applicability Date:* These regulations apply with respect to applications for tentative refund filed on or after August 24, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Contact Elizabeth Mezheritsky at (202) 622-3600 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

#### Background and Explanation of Revisions

This document contains final regulations amending the Income Tax Regulations (26 CFR part 1) under section 6411 relating to the computation and allowance of the tentative carryback adjustment.

On August 24, 2007, temporary regulations (TD 9355), 2007-37 IRB 577 (72 FR 48933) and a notice of proposed rulemaking by cross-reference to temporary regulations (REG-118886-06), 2007-37 IRB 591 (72 FR 48952) were published in the *Federal Register*. On October 4, 2007, corrections to the temporary regulations were published in the *Federal Register* (72 FR 56619). Only one set of written comments responding to the notice of proposed rulemaking was received, and the same commenter was the sole speaker at a public hearing on the notice of proposed rulemaking, which was held on February 5, 2008. After consideration of the comments, the temporary regulations are adopted without change by this Treasury decision. The comments are discussed in the preamble.

#### Explanation of Provisions and Summary of Comments

In general, section 6411(a) provides that, in the case of certain loss or credit carrybacks, a taxpayer may file an application for a tentative carryback adjustment of the tax for a prior taxable

year. Under section 6411(b), any resulting decrease in tax attributable to the carryback must be credited against any tax or installment "then due" from the taxpayer, or refunded to the taxpayer. Existing regulations at section 1.6411-3(d)(1)(iii) further provide that the decrease in tax is first applied against any unpaid amount of tax that is "due and payable" on the date the decrease is allowed.

These regulations amend existing regulations under section 6411 to clarify the computation and allowance of the tentative carryback adjustment. The tentative allowance is computed pursuant to § 1.6411-2 but applied pursuant to § 1.6411-3. The regulations provide that, for purposes of computing the tentative allowance under section 6411, the Commissioner will not consider amounts to which the taxpayer and the Commissioner are in disagreement. For purposes of applying the tentative allowance, however, the regulations provide that the Commissioner may credit or reduce the tentative adjustment by any assessed tax liabilities, unassessed liabilities determined in a statutory notice of deficiency, unassessed liabilities identified in a proof of claim filed in a bankruptcy proceeding, and other unassessed liabilities in rare and unusual circumstances. Regarding unassessed liabilities determined in a statutory notice of deficiency, *see* Rev. Rul. 2007-51. Regarding unassessed liabilities identified in a proof of claim filed in a bankruptcy proceeding, *see* Rev. Rul. 2007-52. *See also* § 601.601(d)(2).

The sole commenter asserted that the IRS lacks the authority to credit a tax decrease due to a tentative carryback adjustment against a tax liability unless the liability has been assessed against the taxpayer. According to the commenter, an assessed liability is the only proper interpretation of the terms "due and payable" and "then due" for purposes of section 6411(b). The Treasury Department and the IRS disagree with this position. The general authority to apply credits is provided by section 6402, which permits the IRS to credit the amount of any overpayment, including interest, against any tax liability of the person who made the overpayment. Nothing in section 6402 or the applicable regulations specifies when a liability arises for purposes of crediting overpayments. The Treasury Department and IRS have determined that both assessed and certain unassessed liabilities are appropriately considered "then due" for purposes of section 6411. Accordingly, the