should verification programs provide to DOE (*i.e.,* test reports) and with what frequency?

(iii) Should DOE require labs to be accredited to international standards such as International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) 17025, or specifically accredited to perform DOE testing? Should labs that manufacturers use for verification testing be accredited by DOE? By an accreditation body like the National Institute of Standards and Technology's National Voluntary Laboratory Accreditation Program?

(iv) What conditions should DOE require for labs doing verification testing to ensure unbiased, consistent, and robust results? For example, should DOE require that all labs performing verification testing be calibrated with the same frequency, in order to ensure consistency across labs? Should all verification testing labs be required to participate in round robin testing? How should such round robin testing be conducted to ensure accurate and consistent lab results?

Cost

(i) Should verification testing be paid for by the manufacturer or private labeler? DOE requests comments regarding the cost burden placed on manufacturers for the above described verification testing. Please provide a detailed description of the costs and supporting information.

c. DOE seeks comment on whether it should conduct its own random verification testing of products separate from any required manufacturer verification testing. If so, what conditions and criteria should govern DOE performed verification testing?

(4) Waivers

Under existing regulations in 10 CFR 430.27, manufacturers have the option of seeking a waiver from the test procedure when a basic model contains a design characteristic that either prevents testing according to the prescribed test procedures or causes the test procedure to evaluate the basic model in a manner so unrepresentative of the model's true energy consumption characteristics as to provide materially inaccurate comparative data. DOE is considering establishing a mandatory waiver requirement, which would obligate manufacturers to obtain a waiver in those instances where the test procedure does not evaluate the energy or water consumption characteristics in a representative manner or where the test procedure yields materially inaccurate comparative data. This requirement would apply whether the product consumes more energy or less energy than would be measured by the applicable test procedure. DOE requests comments on this concept.

(5) Application of Regulations to Distinctive Products

DOE has an interest in creating a consistent, uniform enforcement framework across industries, manufacturers and products. Deviations from this approach must be justified based on distinctive product characteristics. We are interested in comments on the following questions relating to products that may justify unique approaches to certification, verification, and enforcement:

a. DOE understands some niche products or large commercial products are manufactured at very low quantities on a made-to-order basis. How should DOE's testing requirements and procedures be applied to these products? For example, how should units of these products be selected for testing?

b. Some products, such as electric motors, are distributed in commerce or imported into the U.S. as components of other products where the component product is not readily accessible. When products with regulated components are imported into the U.S., how can DOE best ensure that the components are compliant with U.S. regulations?

Docket: For direct access to the docket to read background documents, or comments received, visit the U.S. Department of Energy, Resource Room of the Building Technologies Program, 950 L'Enfant Plaza, SW., Suite 600, Washington, DC, 20024, (202) 586–2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards at the above telephone number for additional information regarding visiting the Resource Room.

Procedural Requirements: Today's regulatory action has been determined not to be a significant regulatory action under section 3(f)(1) of Executive Order 12866, "Regulatory Planning and Review", 58 FR 51735 (Oct. 4, 1993).

Statutory Authority: 42 U.S.C. 6299–6305; 6316.

Issued in Washington, DC, on May 4, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Scott Blake Harris,

General Counsel.

[FR Doc. 2010–10894 Filed 5–6–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0437; Directorate Identifier 2009–NM–130–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 737–200, –300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Model 737–200, –300, –400, and –500 series airplanes. This proposed AD would require repetitive inspections for cracking of certain fuselage frames and stub beams, and corrective actions if necessary. This proposed AD also provides for an optional repair, which would terminate the repetitive inspections. For airplanes on which a certain repair is done, this proposed AD would also require repetitive inspections for cracking of certain fuselage frames and stub beams, and corrective actions if necessary. This proposed AD results from reports of the detection of fatigue cracks at certain frame sections, in addition to stub beam cracking, caused by high flight cycle stresses from both pressurization and maneuver loads. We are proposing this AD to detect and correct fatigue cracking of certain fuselage frames and stub beams and possible severed frames, which could result in reduced structural integrity of the frames. This reduced structural integrity can increase loading in the fuselage skin, which will accelerate skin crack growth and could result in rapid decompression of the fuselage.

DATES: We must receive comments on this proposed AD by June 21, 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 W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m.

and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1, fax 206–766–5680; e-mail *me.boecom@boeing.com*; Internet *https://www.myboeingfleet.com*. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; 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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket 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: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6447; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2010–0437; Directorate Identifier 2009–NM–130–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed 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 proposed AD.

Discussion

We have received reports of fatigue cracks at certain frame sections, in addition to stub beam cracking. The fatigue cracking is caused by high flight cycle stresses from both pressurization and maneuver loads. Reduced structural integrity of the frames can increase loading in the fuselage skin, which will accelerate skin crack growth and could result in rapid decompression of the fuselage.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 737–53A1254, Revision 1, dated July 9, 2009. The service bulletin describes procedures for, among other actions, repetitive detailed inspections for cracks in the body station (BS) 616 and BS 639 frame webs, inner chord, and outer chord, and the stub beam, and corrective actions if necessary. The corrective actions include repair of any cracking before further flight. The procedures also recommend contacting Boeing for repair instructions for certain cracking and repairing before further flight.

As an option to the detailed inspection, the service bulletin describes procedures for a high frequency eddy current (HFEC) inspection for cracks in the same areas, and repair of any crack found. The service bulletin also describes procedures for doing a detailed inspection of the inner chord along the length of the repair and around the fastener heads if a repair or preventative modification exists on the inner chord below the floor that prevents the accomplishment of the detailed or HFEC inspection in that area.

For airplanes on which a certain repair is done, the service bulletin describes procedures for repetitive detailed or HFEC inspections for cracking of the replacement frame section (frame webs, inner chord, and outer chord), and contacting Boeing for repair instructions if any crack is found, and repairing before further flight.

FAA's Determination and Requirements of This Proposed AD

We are proposing this AD because we evaluated all relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under "Differences Between the Proposed AD and Boeing Alert Service Bulletin 737–53A1254, Revision 1, dated July 9, 2009."

Differences Between the Proposed AD and Boeing Alert Service Bulletin 737–53A1254, Revision 1, Dated July 9, 2009

Although the service bulletin specifies economic inspections and repairs of BS 597 and BS 601 frames, this proposed AD would not require those inspections and repairs.

Although the service bulletin does not address accomplishing the inspections for airplanes on which fewer than 15,000 total flight cycles have been accumulated, this proposed AD would require the inspections on those airplanes.

The service bulletin specifies to contact the manufacturer for instructions on repairing cracks, but this proposed AD would require repairing cracks in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD would affect 635 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Cost per product	Number of U.S.-registered airplanes	Fleet cost
BS 616 and BS 639 inspection/lower frame and stub beam.	15	$85	$1,275, per inspection cycle.	635	$809,625 per inspection cycle.

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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

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.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

The Boeing Company: Docket No. FAA–2010–0437; Directorate Identifier 2009–NM–130–AD.

Comments Due Date

(a) We must receive comments by June 21, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to The Boeing Company Model 737–200, –300, –400, and –500 series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 737–53A1254, Revision 1, dated July 9, 2009.

Subject

(d) Air Transport Association (ATA) of America Code 53: Fuselage.

Unsafe Condition

(e) This AD results from the detection of fatigue cracks at certain frame sections, in addition to stub beam cracking, caused by high flight cycle stresses from both pressurization and maneuver loads. The Federal Aviation Administration is issuing this AD to detect and correct fatigue cracking of certain fuselage frames and stub beams and possible severed frames, which could result in reduced structural integrity of the frames. This reduced structural integrity can increase loading in the fuselage skin, which will accelerate skin crack growth and could result in rapid decompression of the fuselage.

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.

Repetitive Inspections and Corrective Actions

(g) At the applicable time specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD: Do a detailed or high frequency eddy current (HFEC) inspection for cracking of body station (BS) 616 and BS 639 frame webs, inner chord, and outer chord, and the stub beams; and do all applicable related investigative and corrective actions; by accomplishing all the actions specified in Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1254, Revision 1, dated July 9, 2009, except as specified in paragraphs (i) and (j) of this AD. Do all applicable related investigative and corrective actions before further flight. Thereafter, repeat the inspection at intervals not to exceed 4,500 flight cycles since accomplishing the detailed inspection or at intervals not to exceed 9,000 flight cycles since accomplishing the HFEC inspection, as applicable.

(1) For airplanes on which no inspection of the BS 616 and BS 639 frames specified in Boeing Alert Service Bulletin 737–53A1254, dated February 17, 2005, has been done as of the effective date of this AD, and that have accumulated fewer than 55,000 total flight cycles as of the effective date of this AD: Inspect within 3,000 flight cycles after the effective date of this AD, or before the accumulation of 56,500 total flight cycles, whichever occurs first.

(2) For airplanes on which no inspection of the BS 616 and BS 639 frames specified in Boeing Alert Service Bulletin 737–53A1254, dated February 17, 2005, has been done as of the effective date of this AD, and that have accumulated 55,000 or more total flight cycles as of the effective date of this AD: Inspect within 1,500 flight cycles after the effective date of this AD.

(3) For airplanes on which a detailed or HFEC inspection of the BS 616 and BS 639 frames, specified in Boeing Alert Service Bulletin 737–53A1254, dated February 17, 2005, has been done as of the effective date of this AD: Inspect at the later of the times specified in paragraphs (g)(3)(i) and (g)(3)(ii) of this AD.

(i) Within 3,000 flight cycles after the effective date of this AD.

(ii) Within 4,500 flight cycles after the previous inspection done in accordance with Boeing Alert Service Bulletin 737–53A1254, dated February 17, 2005.

Post-Repair Repetitive Inspections and Corrective Actions

(h) For airplanes on which the repair specified in Part 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1254, Revision 1, dated July 9, 2009, has been done: At the applicable time specified in paragraphs (h)(1) and (h)(2) of this AD, do a detailed or HFEC inspection for cracking of the replacement frame section (frame webs, inner chord, and outer chord); and do all applicable related investigative and corrective actions; by accomplishing all the actions specified in Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1254, Revision 1, dated July 9, 2009, except as specified in paragraphs (i) and (j) of this AD. Do all applicable related investigative and corrective actions before further flight. Thereafter, repeat the inspection at intervals not to exceed 4,500 flight cycles since accomplishing the detailed inspection or at intervals not to exceed 9,000 flight cycles since accomplishing the HFEC inspection, as applicable.

(1) For airplanes on which a partial frame splice repair at BS 616 or BS 639 has been done, and the inner chord and web have been cold-worked: Inspect within 44,000 flight cycles after the repair has been done.

(2) For airplanes on which a partial frame splice repair at BS 616 or BS 639 has been done, and the inner chord and web have not been cold-worked: Inspect within 29,000 flight cycles after that repair has been done.

Alternative Inspection of Repaired or Modified Area

(i) For airplanes on which a repair or preventative modification exists on the inner chord below the floor which prevents the accomplishment of the detailed or HFEC inspection in that area as required by paragraph (g) of this AD: In lieu of inspecting that area, do a detailed inspection of the

inner chord along the length of the repair and around the fastener heads in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1254, Revision 1, dated July 9, 2009.

Exceptions to Service Information

(j) Where Boeing Alert Service Bulletin 737–53A1254, Revision 1, dated July 9, 2009, specifies to contact Boeing for repair instructions and repair: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(k) Although Boeing Alert Service Bulletin 737–53A1254, Revision 1, dated July 9, 2009, specifies to submit information to the manufacturer, this AD does not include that requirement.

Terminating Action

(l) Doing the repair specified in Part 4 of Boeing Alert Service Bulletin 737–53A1254, Revision 1, dated July 9, 2009, terminates the repetitive inspection requirements of paragraph (g) of this AD for the repaired frame only.

Alternative Methods of Compliance (AMOCs)

(m)(1) The Manager, Seattle Aircraft Certification Office (ACO), 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: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 917–6447; fax (425) 917–6590. Or, e-mail information to *9–ANM–Seattle-ACO–AMOC–Requests@faa.gov*.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane.

Issued in Renton, Washington, on April 28, 2010.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–10902 Filed 5–6–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 110, 119, 121, 129, and 135

[Docket No. FAA–2009–0140; Notice No. 10–07]

RIN 2120–AJ45

Operations Specifications

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would clarify and standardize the rules for applications by foreign air carriers and foreign persons for operations specifications and establish new standards for amendment, suspension or termination of those operations specifications. The proposed rule would also apply to foreign persons operating U.S.-registered aircraft in common carriage solely outside the United States. This action is necessary to update the process for issuing operations specifications, and it will establish a regulatory basis for current practices, such as amending, terminating or suspending operations specifications.

DATES: Send your comments on or before August 5, 2010.

ADDRESSES: You may send comments identified by Docket Number FAA–2009–0140 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, 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.

For more information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the electronic form of all comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketsInfo.dot.gov*.

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time and follow the online instructions for accessing the docket, or, go to the 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: Darcy D. Reed, International Programs and Policy Division, AFS–50, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; *e-mail: darcy.d.reed@faa.gov*; *Telephone:* 202–385–8078. For legal questions concerning this proposed rule contact Lorna John, Office of the Chief Counsel, Regulations Division, AGC–200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; *e-mail: Lorna.John@faa.gov; telephone:* 202–267–3921.

SUPPLEMENTARY INFORMATION: Under the Additional Information section of this preamble, you will find a discussion of how you can comment on this proposal and how the agency will handle your comments. Included in this discussion is related information about the docket, privacy, and handling proprietary or confidential business information. There is also a discussion on how you can get a copy of related rulemaking documents.

Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in title 49 of the United States Code. 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.

This proposed rule is issued under the authority described in Title 49 of the United States Code, Subtitle VII, Part A, Subpart III, Section 44701(a)(5). Under that section, the Administrator is charged with promoting safe flight of civil aircraft in air commerce by prescribing regulations and minimum standards for practices, methods, and procedures the Administrator finds