

In addition to requiring DOE to establish new energy conservation standards or energy use standards for furnace fans, EPCA generally directs DOE to establish test procedures for new covered products, such as furnace fans. (42 U.S.C. 6295(r)) Furthermore, section 310(3) of the Energy Independence and Security Act of 2007 (EISA 2007) amended EPCA to require that any new or amended energy conservation standard adopted after July 1, 2010, shall address standby mode and off mode energy use pursuant to 42 U.S.C. 6295(o). (42 U.S.C. 6295(gg)(3)) Pursuant to these mandates, DOE is also initiating a furnace fan test procedure rulemaking at this time. Accordingly, DOE is including in this framework document its preliminary review of any industry test procedures or testing methods used to characterize the performance of furnace fans in all modes of operation. DOE has also outlined a number of issues for comment regarding the testing of furnace fans, and it will consider the feedback received in response to this framework document in its development of a proposed test procedure for furnace fans. DOE intends to issue a separate notice of proposed rulemaking (NOPR) addressing the test procedures for furnace fans. When the furnace fan test procedure final rule is published, DOE will have complied with EPCA's statutory requirements for test procedures.

To initiate the furnace fan rulemaking, DOE has prepared a framework document to explain the issues, analyses, and processes it anticipates using in considering the development of new energy conservation standards or energy use standards for furnace fans. Also included in this framework document is a detailed summary of a preliminary test procedure that DOE is considering for use in developing its own test procedure and for use in the development of energy conservation standards for furnace fans.

The main focus of the public meeting noted above will be to discuss the analyses presented and issues identified in the framework document. At the public meeting, DOE will make a number of presentations, invite discussion on the rulemaking process as it applies to certain furnace fans, and solicit comments, data, and information from participants and other interested parties. DOE will also invite comment on its preliminary determination of the scope of coverage for the furnace fan energy conservation standard and its preliminary analysis of the development of a test procedure for furnace fans.

DOE encourages those who wish to participate in the public meeting to obtain the framework document and to be prepared to discuss its contents. A copy of the framework document is available at: [www.eere.energy.gov/buildings/appliance\\_standards/residential/furnace\\_fans.html](http://www.eere.energy.gov/buildings/appliance_standards/residential/furnace_fans.html).

Public meeting participants need not limit their comments to the issues identified in the framework document. DOE is also interested in comments on other relevant issues that participants believe would affect energy conservation standards or energy use standards for this product, applicable test procedures, or the preliminary determination on the scope of coverage. DOE invites all interested parties, whether or not they participate in the public meeting, to submit in writing by July 6, 2010 comments and information on matters addressed in the framework document and on other matters relevant to DOE's consideration of new standards for furnace fans.

The public meeting will be conducted in an informal, facilitated, conference style. There shall be no discussion of proprietary information, costs or prices, market shares, or other commercial matters regulated by U.S. antitrust laws. A court reporter will record the proceedings of the public meeting, after which a transcript will be available for purchase from the court reporter and placed on the DOE Web site at: [www.eere.energy.gov/buildings/appliance\\_standards/residential/furnace\\_fans.html](http://www.eere.energy.gov/buildings/appliance_standards/residential/furnace_fans.html).

After the public meeting and the close of the comment period, DOE will begin collecting data, conducting the analyses as discussed in the framework document and at the public meeting, and reviewing the public comments. These actions will be taken to develop an energy conservation standards NOPR and separate test procedure NOPR for furnace fans.

DOE considers public participation to be a very important part of the process for setting energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of the rulemaking process. Beginning with the framework document, and during each subsequent public meeting and comment period, interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the standards rulemaking process. Anyone who wishes to participate in the public meeting, receive meeting materials, or be added to the DOE mailing list to receive future notices and information about this rulemaking

should contact Ms. Brenda Edwards at (202) 586-2945, or via e-mail at [Brenda.Edwards@ee.doe.gov](mailto:Brenda.Edwards@ee.doe.gov).

Issued in Washington, DC, on May 27, 2010.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. 2010-13387 Filed 6-2-10; 8:45 am]

**BILLING CODE 6450-01-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-0482; Directorate Identifier 2009-NM-225-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed 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: There have been several Stick Pusher Capstan Shaft failures causing severe degradation of the stick pusher function. This directive is issued to revise the first flight of the day check of the stall protection system to detect degradation of the stick pusher function. It also introduces a new repetitive maintenance task to limit exposure to dormant failure of the stick pusher capstan shaft. Dormant loss or severe degradation of the stick pusher function could result in reduced controllability of the airplane. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by July 19, 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.

For service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; e-mail [thd.crj@aero.bombardier.com](mailto:thd.crj@aero.bombardier.com); Internet <http://www.bombardier.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 or 425-227-1152.

### 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 proposed 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:** Bruce Valentine, Avionics and Flight Test Branch, ANE-172, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7328; fax (516) 794-5531.

### 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-2010-0482; Directorate Identifier 2009-NM-225-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 based on those comments.

We have lengthened the 30-day comment period for proposed ADs that address MCAI originated by aviation authorities of other countries to provide adequate time for interested parties to

submit comments. The comment period for these proposed ADs is now typically 45 days, which is consistent with the comment period for domestic transport ADs.

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

Transport Canada Civil Aviation, which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2009-36, dated September 2, 2009 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

There have been several Stick Pusher Capstan Shaft failures causing severe degradation of the stick pusher function. This directive is issued to revise the first flight of the day check of the stall protection system to detect degradation of the stick pusher function. It also introduces a new repetitive maintenance task to limit exposure to dormant failure of the stick pusher capstan shaft.

Dormant loss or severe degradation of the stick pusher function could result in reduced controllability of the airplane. You may obtain further information by examining the MCAI in the AD docket.

### Relevant Service Information

Bombardier has issued Temporary Revision (TR) 2A-43, dated May 7, 2008, to Appendix A—Certification Maintenance Requirements of Part 2 of the Bombardier CL-600-2B19 Maintenance Requirements Manual; and Canadair Regional Jet TR RJ/178-1, dated March 8, 2010, to Canadair Regional Jet Airplane Flight Manual CSP A-012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

### FAA's Determination and Requirements of This Proposed 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 proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

### Differences Between This 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 proposed 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 proposed AD.

### Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 601 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$51,085, or \$85 per product.

### 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.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it 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:

**Bombardier, Inc.:** Docket No. FAA-2010-0482; Directorate Identifier 2009-NM-225-AD.

#### Comments Due Date

(a) We must receive comments by July 19, 2010.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, serial numbers 7003 through 7990 inclusive, and 8000 and subsequent.

**Note 1:** This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (h)(1) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

#### Subject

(d) Air Transport Association (ATA) of America Code 27: Flight controls.

#### Reason

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

There have been several Stick Pusher Capstan Shaft failures causing severe degradation of the stick pusher function. This directive is issued to revise the first flight of the day check of the stall protection system to detect degradation of the stick pusher function. It also introduces a new repetitive maintenance task to limit exposure to dormant failure of the stick pusher capstan shaft.

Dormant loss or severe degradation of the stick pusher function could result in reduced 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) Do the following actions.

(1) Within 30 days after the effective date of this AD, revise the Limitations section of Canadair Regional Jet Airplane Flight Manual (AFM) CSP A-012 to include the information in Canadair Regional Jet Temporary Revision (TR) RJ/178-1, dated March 8, 2010; as specified in the TR. The Canadair Regional Jet TR RJ/178-1, dated March 8, 2010, introduces procedures for performing a stall protection system test. Operate the airplane according to the limitations and procedures in the Canadair Regional Jet TR RJ/178-1, dated March 8, 2010.

**Note 2:** This may be done by inserting a copy of Canadair Regional Jet TR RJ/178-1, dated March 8, 2010, into the Canadair Regional Jet AFM CSP A-012. When this Canadair Regional Jet TR has been included in general revisions of the Canadair Regional Jet AFM, the general revisions may be inserted in the AFM, provided the relevant information in the general revision is identical to that in the Canadair Regional Jet TR.

(2) Within 30 days after the effective date of this AD, revise Appendix A—Certification Maintenance Requirements of Part 2 of the Bombardier CL-600-2B19 Maintenance Requirements Manual (MRM) by incorporating the information in Bombardier TR 2A-43, dated May 7, 2008; as specified in the TR. The initial compliance time for the new MRM task identified in the TR is at the later of the times specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD. Thereafter, except as provided by paragraph (h)(1) of this AD, no alternative task intervals may be used. The TR to the MRM introduces procedures for a function check of the stick pusher capstan.

(i) Prior to the accumulation of 5,000 total flight hours.

(ii) Within 500 flight hours after the effective date of this AD.

**Note 3:** The actions required by paragraph (g)(2) of this AD may be done by inserting a

copy of Bombardier TR 2A-43, dated May 7, 2008, to Appendix A—Certification Maintenance Requirements of Part 2 of the Bombardier CL-600-2B19 MRM. When this Bombardier TR has been included in general revisions of the Bombardier MRM, the Bombardier TR may be removed from the MRM, provided the relevant information in the general revision is identical to that in Bombardier TR 2A-43, dated May 7, 2008.

#### FAA AD Differences

**Note 4:** This AD differs from the MCAI and/or service information as follows: No differences.

#### Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office, ANE-170, 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:* Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York, 11590; telephone 516-228-7300; fax 516-794-5531. 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.

(4) *Special Flight Permits:* We are not allowing special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199).

#### Related Information

(i) Refer to MCAI Canadian Airworthiness Directive CF-2009-36, dated September 2, 2009; and Bombardier TR 2A-43, dated May 7, 2008, to Appendix A—Certification Maintenance Requirements of Part 2 of the Bombardier CL-600-2B19 Maintenance Requirements Manual, dated May 7, 2008; and Canadair Regional Jet TR RJ/178-1, dated March 8, 2010, to Canadair Regional Jet Airplane Flight Manual CSP A-012; for related information.

Issued in Renton, Washington, on May 25, 2010.

**Ali Bahrami,**

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 2010-13305 Filed 6-2-10; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-0547; Directorate Identifier 2009-NM-234-AD]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Model 757 Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Model 757 airplanes. This proposed AD would require a detailed inspection of the inboard and outboard main track downstop assemblies and a torque application to the main track downstop assembly nuts of slat numbers 1 through 10, excluding the outboard track of slats 1 and 10, a detailed inspection of all slat track housings, and related corrective actions if necessary. This proposed AD results from reports of fuel leaking from the front spar of the wing through the slat track housing. We are proposing this AD to detect and correct incorrectly installed main track downstop assemblies, which, when the slat is retracted, could cause a puncture in the slat track housing leading to a fuel leak and potential fire.

**DATES:** We must receive comments on this proposed AD by July 19, 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](mailto: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:** Chris Hartman, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone (425) 917-6432; 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-2010-0547; Directorate Identifier 2009-NM-234-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 two reports of fuel leaking from the front spar of the wing through the slat track housing. In at least one case, the source of the fuel leak was from a puncture of the slat track

housing caused by a roller that had fallen into the slat track housing. The roller, which was not a component of the slat installation or the slat track support rib, subsequently punctured the slat track housing when the slat was retracted. While fuel leaking from a punctured slat track housing could lead to a fire, in both cases, no fires were reported.

#### Relevant Service Information

We have reviewed Boeing Special Attention Bulletin 757-57-0068, dated September 15, 2009. That service bulletin describes procedures for doing a detailed inspection of the inboard and outboard main track downstop assemblies and for applying torque to the main track downstop assembly nuts of slat numbers 1 through 10, excluding the outboard track of slats 1 and 10. That service bulletin also describes procedures for doing a detailed inspection of both inboard and outboard slat track housings of slat numbers 1 through 10 for foreign object debris or visible damage, and doing corrective actions if necessary. Boeing Special Attention Bulletin 757-57-0068, dated September 15, 2009, specifies the following corrective actions:

- Removing and reinstalling incorrectly installed main track downstop assemblies.
- Replacing damaged or missing main track downstop assembly parts.
- Removing foreign object debris.
- Repairing or replacing damaged slat track housings.
- Contacting Boeing for repair instructions.

Boeing Special Attention Bulletin 757-57-0068, dated September 15, 2009, specifies that the detailed inspections of the main track downstop assemblies and the slat track housings be done before 24 months after the date on that service bulletin. That service bulletin also specifies that application of torque to the main track downstop assembly nuts be done before 24 months after the date on that service bulletin. That service bulletin also specifies that corrective actions be done 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