

Comments Due Date

(a) We must receive comments by March 8, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all The Boeing Company Model 757-200, -200PF, -200CB, and -300 series airplanes, certificated in any category.

Subject

(d) Air Transport Association (ATA) of America Code 57: Wings.

Unsafe Condition

(e) This AD results from reports of cracking at the front spar lower chord at the four fastener locations common to the side link support fitting at wing station (WS) 292. The Federal Aviation Administration is issuing this AD to detect and correct such cracking and corrosion, which, if not corrected, could grow and result in structural failure of the spar.

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.

Inspect for Cracking and Corrosion

(g) At the later of the times in paragraphs (g)(1) and (g)(2) of this AD, do ultrasonic and general visual inspections for cracking and corrosion of the front spar lower chord at the four fastener locations common to the side link support fitting at WS 292, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757-57-0065, dated May 14, 2009. Where Boeing Special Attention Service Bulletin 757-57-0065, dated May 14, 2009, specifies a compliance time "after the date on this service bulletin," this AD requires compliance at the specified time after the effective date of this AD. Repeat the inspection thereafter at intervals not to exceed 12,000 flight cycles.

(1) At the applicable time specified in paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 757-57-0065, dated May 14, 2009.

(2) Within 12,000 flight cycles after doing the modification of the nacelle and wing structure in accordance with Boeing Service Bulletin 757-54-0034 or Boeing Service Bulletin 757-54-0035.

(h) If any cracking or corrosion is found during any inspection required by this AD: Before further flight, repair the cracking or corrosion using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

Alternative Methods of Compliance (AMOCs)

(i)(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: 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. 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 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, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on January 14, 2010.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010-1137 Filed 1-21-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2010-0046; Directorate Identifier 2009-NM-086-AD]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Model 737-300, -400, -500, -600, -700, and -800 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 737-300, -400, -500, -600, -700, and -800 series airplanes. This proposed AD would require inspecting to verify the part number of the low-pressure flex-hoses of the crew oxygen mask stowage boxes located within the flight deck, and replacing the flex-hose with a new non-conductive low-pressure flex-hose if necessary. This proposed AD results from reports of low-pressure flex-hoses of the crew oxygen system that burned through due to inadvertent electrical current from a short circuit in the audio select panel. We are proposing this AD to prevent inadvertent electrical

current, which can cause the low-pressure flex-hoses of the crew oxygen system to melt or burn, causing oxygen system leakage and smoke or fire.

DATES: We must receive comments on this proposed AD by March 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 W12-140, 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 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 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:

Robert Hettman, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM-150S, FAA, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6457; 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–2010–0046; Directorate Identifier 2009–NM–086–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 low-pressure flex-hoses of the crew oxygen system that burned through due to inadvertent electrical current from a short circuit in the audio select panel on a Model 757 airplane. An electrical current went through the support structure to the flight crew mask stowage box and through the low-pressure oxygen hose. This caused the spring inside the low-pressure oxygen hose to act as an electrical conductor and heat up, causing the hose to burn through. This condition, if not corrected, could result in the low-pressure flex-hose of the crew oxygen system to melt or burn, causing oxygen system leakage and smoke or fire.

Relevant Service Information

We have reviewed Boeing Service Bulletin 737–35A1053, Revision 1, dated June 1, 2000; and Boeing Service Bulletin 737–35A1058, Revision 1, dated June 1, 2000. The service bulletins describe procedures for replacing the existing low-pressure flex-hoses of the crew oxygen system installed under the oxygen mask stowage boxes in the flight deck with new non-conductive low-pressure flex-hoses of the oxygen system.

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 these same type designs. 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 the Service Bulletins.”

Differences Between the Proposed AD and the Service Bulletins

Although Boeing Service Bulletins 737–35A1053, Revision 1; and 737–35A1058, Revision 1; both dated June 1, 2000; recommend accomplishing the replacement “at the earliest opportunity when manpower, material and facilities are available,” we have determined that this imprecise compliance time would not address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this proposed AD, we considered not only the manufacturer’s recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the modifications. In light of all of these factors, we find a compliance time of 36 months for completing the required actions to be warranted, in that it represents an appropriate interval of time for affected airplanes to continue to operate without compromising safety. This difference has been coordinated with Boeing.

Other Rulemaking

The oxygen mask installations on certain Boeing Company Model 747, 757, and 767 airplanes are almost identical to those on the affected Model 737 airplanes. Therefore, all of these airplanes may be subject to the identified unsafe condition. We are considering similar rulemaking related to the identified unsafe condition for certain Model 747, 757, and 767 airplanes.

Costs of Compliance

We estimate that this proposed AD would affect 851 airplanes of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with this proposed AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of this proposed AD to the U.S. operators to be \$68,080, or \$80 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.

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–2010–0046; Directorate Identifier 2009–NM–086–AD.

Comments Due Date

- (a) We must receive comments by March 8, 2010.

Affected ADs

- (b) None.

Applicability

(c) This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) The Boeing Company Model 737-300, -400, and -500 series airplanes, as identified in Boeing Service Bulletin 737-35A1053, Revision 1, dated June 1, 2000.

(2) The Boeing Company Model 737-600, -700, and -800 series airplanes, as identified in Boeing Service Bulletin 737-35A1058, Revision 1, dated June 1, 2000.

Subject

(d) Air Transport Association (ATA) of America Code 35: Oxygen.

Unsafe Condition

(e) This AD results from reports of low-pressure flex-hoses of the crew oxygen

system that burned through due to inadvertent electrical current from a short circuit in the audio select panel. The Federal Aviation Administration is issuing this AD to prevent inadvertent electrical current, which can cause the low-pressure flex-hoses of the crew oxygen system to melt or burn, resulting in oxygen system leakage and smoke or fire.

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.

Inspection and Replacement

(g) Within 36 months after the effective date of this AD, do an inspection to determine whether any low-pressure flex-hose of the crew oxygen system installed

under the oxygen mask stowage box in the flight deck has a part number identified in Table 1 of this AD. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the low-pressure flex-hoses of the crew oxygen system can be conclusively determined from that review.

(1) For any hose having a part number identified in Table 1 of this AD, before further flight, replace the hose with a new or serviceable part, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737-35A1053, Revision 1, dated June 1, 2000; or Boeing Service Bulletin 737-35A1058, Revision 1, dated June 1, 2000; as applicable.

(2) For any hose not having a part number identified in Table 1 of this AD no further action is required by this paragraph.

TABLE 1—APPLICABLE PART NUMBERS

Boeing specification part number	Equivalent Boeing supplier part numbers	
	Puritan Bennett	Hydraflow
10-60174-31	173470-31	37001-31
10-60174-35	173470-35	37001-35
10-60174-46	Not Applicable	37001-46
60B50059-99	Not Applicable	38001-99
60B50059-124	Not Applicable	38001-124

Parts Installation

(h) As of the effective date of this AD, no person may install a crew oxygen hose with a part number identified in Table 1 of this AD, on any airplane.

Actions Accomplished According to Previous Issue of Service Bulletin

(i) Actions accomplished before the effective date of this AD in accordance with Boeing Alert Service Bulletin 737-35A1053, dated September 2, 1999; or Boeing Alert Service Bulletin 737-35A1058, dated September 2, 1999; as applicable; are considered acceptable for compliance with the corresponding actions specified in this AD.

Alternative Methods of Compliance (AMOCs)

(j)(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: Robert Hettman, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM-150S, FAA, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6457; 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.

Issued in Renton, Washington, on January 8, 2010.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010-1176 Filed 1-21-10; 8:45 am]

BILLING CODE 4910-13-P

FEDERAL TRADE COMMISSION**16 CFR Part 307**

Request for Comments Concerning Regulations Implementing the Comprehensive Smokeless Tobacco Health Education Act of 1986; Termination of Regulatory Review

AGENCY: Federal Trade Commission.

ACTION: Notice of Termination of Regulatory Rule Review.

SUMMARY: The Federal Trade Commission ("FTC" or "Commission") has terminated the regulatory review of its regulations ("smokeless tobacco regulations"), implementing the Comprehensive Smokeless Tobacco Health Education Act of 1986 ("Smokeless Tobacco Act").

EFFECTIVE DATE: December 3, 2009.

ADDRESSES: Requests for copies of this notice should be sent to the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania

Ave., NW, Washington, DC 20580. The notice also is available on the Internet on the Commission's Web site, (<http://www.ftc.gov>).

FOR FURTHER INFORMATION CONTACT:

Shira Modell, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington, DC 20580, 202-326-3116.

SUPPLEMENTARY INFORMATION: In 1986, Congress enacted the Smokeless Tobacco Act, requiring manufacturers, importers, and packagers of smokeless tobacco products to display on a rotating basis one of three statutory health warnings on product packages and in most advertising (other than billboards). The 1986 Smokeless Tobacco Act also directed the FTC to issue implementing regulations governing the format and display of the health warnings. The Commission issued its smokeless tobacco regulations on November 4, 1986.¹ 51 FR 40015. The Smokeless Tobacco Act also directed the FTC to review and approve,

¹ The original regulations exempted utilitarian items such as hats or other personal items. The exemption was challenged, and the Court of Appeals for the District of Columbia ordered the Commission to delete the exemption. *Public Citizen v. FTC*, 869 F. 2d 1541 (D.C. Cir. 1989), *affg*, 688 F. Supp. 667 (D.D.C. 1988). As a result, the Commission amended its regulations to include provisions for the rotation and display of the statutory warnings on utilitarian items. 56 FR 11654 (Mar. 20, 1991).