

identified in § 253.6(d)(2), exceed the maximum allowable limits as described at § 253.6(d)(1). * * *

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Dated: January 12, 2010.

Kevin W. Concannon,
Under Secretary, Food, Nutrition, and
Consumer Services.

[FR Doc. 2010-1708 Filed 1-27-10; 8:45 am]

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DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket Nos. EE-RM/TP-99-450 and EE-RM/TP-05-500]

RIN 1904-AA96 and 1904-AB53

Energy Conservation Program: Certification, Compliance, and Enforcement Requirements for Certain Consumer Products and Commercial and Industrial Equipment; Correction

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule; technical correction.

SUMMARY: This document contains a technical correction to the final rule regarding the certification, compliance and enforcement regulations that was published on January 5, 2010. In that final rule, the U.S. Department of Energy (DOE) adopted regulations to implement reporting requirements for energy conservation standards and energy use, and to address other matters, including compliance certification, prohibited actions, and enforcement procedures for specific consumer products and commercial and industrial equipment. Due to drafting errors, language added to the rule in one amendment was deleted from the rule by another amendment, and certain erroneous internal cross references were made. This correction addresses these errors.

DATES: This technical correction is effective February 4, 2010.

FOR FURTHER INFORMATION CONTACT: Michael McCabe, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-9155. E-mail: Michael.McCabe@ee.doe.gov.

Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC-72, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202)

586-9507. E-mail: Michael.Kido@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On January 5, 2010, the U.S. Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy (EERE) published a final rule titled "Certification, Compliance, and Enforcement Requirements for Certain Consumer Products and Commercial and Industrial Equipment." 75 FR 652. Since the publication of that rule, it has come to DOE's attention that due to a technical oversight, a certain part of the final regulations was inadvertently deleted from the final rule. DOE did not intend to remove this language from its regulations and through this correction document DOE reinserts this inadvertently deleted language. Additionally, certain sections of the regulatory text have an internal referencing error.

II. Need for Correction

As published, the final regulation erroneously removed two provisions that DOE had intended to reserve (10 CFR 431.171) and to amend (10 CFR 431.172). This document intends to reestablishes these provisions. In FR Doc. E9-30886, appearing in the notice beginning on page 652 in the **Federal Register** of Tuesday, January 5, 2010, the following corrections are made:

Subpart J—[Corrected]

1. On page 667, in the second column, correct the table of contents for subpart J to part 431 to read as follows:

Subpart J—Provisions for Commercial Heating, Ventilating, Air-Conditioning and Water Heating Products

Sec.

431.171 Purpose and scope. [Reserved]

431.172 Definitions.

431.173 Requirements applicable to all manufacturers.

431.174 Additional requirements applicable to Voluntary Independent Certification Program participants.

431.175 Additional requirements applicable to non-Voluntary Independent Certification Program participants.

431.176 Voluntary Independent Certification Programs.

2. On page 667, in the second column, directly below the heading of subpart J, add and reserve § 431.171, and add § 431.172, to read as follows:

§ 431.171 Purpose and scope. [Reserved]

§ 431.172 Definitions.

The following definitions apply for purposes of subparts D through G, J through K and subpart T of this part.

Other terms in these subparts shall be defined elsewhere in the Part and, if not defined in this part, shall have the meaning set forth in section 340 of the Act.

Alternate efficiency determination method or AEDM means a method of calculating the efficiency of a commercial HVAC and WH product, in terms of the descriptor used in or under section 342(a) of the Act to state the energy conservation standard for that product.

Basic model means, with respect to a commercial HVAC & WH product, all units of such product, manufactured by one manufacturer, which have the same primary energy source and which do not have any differing electrical, physical, or functional characteristics that affect energy consumption.

Commercial HVAC & WH product means any small or large commercial package air-conditioning and heating equipment, packaged terminal air conditioner, packaged terminal heat pump, commercial packaged boiler, hot water supply boiler, commercial warm air furnace, instantaneous water heater, storage water heater, or unfired hot water storage tank.

Flue loss means the sum of the sensible heat and latent heat above room temperature of the flue gases leaving the appliance.

Industrial equipment means an article of equipment, regardless of whether it is in fact distributed in commerce for industrial or commercial use, of a type which:

(1) In operation consumes, or is designed to consume energy;

(2) To any significant extent, is distributed in commerce for industrial or commercial use; and

(3) Is not a "covered product" as defined in Section 321(2) of EPCA, 42 U.S.C. 6291(2), other than a component of a covered product with respect to which there is in effect a determination under Section 341(c) of EPCA, 42 U.S.C. 6312(c).

Private labeler means, with respect to a commercial HVAC & WH product, an owner of a brand or trademark on the label of a product which bears a private label. A commercial HVAC & WH product bears a private label if:

(1) Such product (or its container) is labeled with the brand or trademark of a person other than a manufacturer of such product;

(2) The person with whose brand or trademark such product (or container) is labeled has authorized or caused such product to be so labeled; and

(3) The brand or trademark of a manufacturer of such product does not appear on such label.

§ 431.373 [Corrected]

3. On page 672, in the first and second columns under § 431.373, revise paragraphs (a)(3)(ii) and (iii), and on page 673, in the first column under § 431.373, revise paragraph (a)(6)(i)(B) to read as follows:

§ 431.373 Enforcement.

* * * * *

(a) * * *

(3) * * *

(ii) For automatic commercial ice makers, as well as commercial refrigerators, freezers, and refrigerator-freezers, the methods are described in appendix D to subpart T of part 431 and include the following provisions:

* * * * *

(iii) For commercial HVAC and WH products, the methods are described in appendix D to subpart T of part 431 and include the following provisions:

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(6) * * *

(i) * * *

(B) For automatic commercial ice makers, as well as commercial refrigerators, freezers, and refrigerator-freezers, the applicable provisions in appendix D to subpart T of part 431, and limited to a maximum of six additional units of basic model.

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Issued in Washington, DC, on January 22, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2010-1728 Filed 1-27-10; 8:45 am]

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

[Docket No. FAA-2009-1146; Directorate Identifier 2008-SW-38-AD; Amendment 39-16184; AD 2010-03-01]

RIN 2120-AA64

Airworthiness Directives; Eurocopter France Model AS332L1, AS332L2, and EC225LP Helicopters

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 specified Eurocopter France (ECF) model helicopters. This AD results from

mandatory continuing airworthiness information (MCAI) issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community. The MCAI states: "Recently, a report was received concerning the discovery of fragments of a plastic blanking plug (fitted to the harness belt buckle 5th attachment point) inside a seat harness belt buckle. Over time, this blanking plug hardens and becomes brittle. This condition, if not corrected, can lead to failure of the plug and fragments being caught inside the buckle, causing interference and preventing the belt from being released during an emergency evacuation of the aircraft." This AD requires actions that are intended to address this unsafe condition.

DATES: This AD becomes effective on February 12, 2010.

The incorporation by reference of certain publications is approved by the Director of the Federal Register as of February 12, 2010.

We must receive comments on this AD by March 29, 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 your comments electronically.
- **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.

You may get the service information identified in this AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053-4005, telephone (800) 232-0323, fax (972) 641-3710, or at <http://www.eurocopter.com>.

Examining the 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 economic evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is stated in the **ADDRESSES** section of this

AD. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

George Schwab, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76137, telephone (817) 222-5114, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION:**Discussion**

EASA, which is the Technical Agent for the Member States of the European Community, has issued EASA AD No. 2008-0075, dated April 22, 2008, to correct an unsafe condition for the ECF Model AS332L1, AS332L2, and EC225LP helicopters. EASA received a report concerning the discovery of fragments of a plastic blanking plug (fitted to the harness belt buckle 5th attachment point) inside a seat harness belt buckle. Over time, this blanking plug hardens, becomes brittle, and starts to deteriorate. This condition, if not corrected, can lead to fragments of the plug being caught inside the buckle, preventing the belt from releasing during an emergency evacuation of the aircraft.

You may obtain further information by examining the MCAI and any related service information in the AD docket.

Related Service Information

ECF has issued Emergency Alert Service Bulletin No. 01.00.72 for the Model AS332L1 and L2 helicopters and No. 04A003 for the Model EC225LP helicopters, both dated April 15, 2008. The seat buckles installed on the specified helicopters have five attachment points, and the seat harness belts have four attachment points only. Therefore, the 5th belt buckle attachment point is blanked using a plastic blanking plug. These plastic blanking plugs harden and become brittle over time. Mishandling of the buckle can cause the blanking plug to fail and fragments may be caught inside the buckle. Any fragments inside the buckle can lead to interference and may prevent the buckle from releasing the belts. The service information specifies removing all seat harness belt buckle blanking plugs, part number (P/N) 332V85134620 or P/N 332V85134621. The actions described in the MCAI are intended to correct the same unsafe condition as that identified in the service information.

FAA's Evaluation and Unsafe Condition Determination

These products have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral