

Service Bulletin 737–57A1302, dated December 15, 2008 (“the service bulletin”); except, where the service bulletin specifies to replace the slat main track or contact Boeing for further repair instructions if the hole diameter is greater than 0.5005 inch, before further flight replace the slat main track in accordance with the service bulletin or repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD. If debris is found during any inspection required by this AD, before further flight, remove the debris in accordance with the Accomplishment Instructions of the service bulletin. Doing the actions required by paragraph (i) of this AD terminates the actions required by paragraphs (g) and (h) of this AD.

#### Alternative Methods of Compliance

(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:* Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6440; 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.

(4) AMOCs approved previously in accordance with AD 2007–18–52 are approved as AMOCs for the corresponding provisions of this AD.

Issued in Renton, Washington, on December 23, 2009.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2010–187 Filed 1–8–10; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG–127270–06]

RIN 1545–BF81

#### Damages Received on Account of Personal Physical Injuries or Physical Sickness; Hearing

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

**ACTION:** Notice of public hearing on proposed rulemaking.

**SUMMARY:** This document provides notice of public hearing on a notice of proposed rulemaking relating to the exclusion from gross income for amounts received on account of personal physical injuries or physical sickness.

**DATES:** The public hearing is being held on Tuesday, February 23, 2010, at 10 a.m. The IRS must receive outlines of the topics to be discussed at the hearing by Tuesday, February 2, 2010.

**ADDRESSES:** The public hearing is being held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Send submissions to: CC:PA:LPD:PR (REG–127270–06), room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–127270–06), Courier’s Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit electronic outlines of oral comments via the Federal eRulemaking Portal at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Concerning the regulations, Sheldon A. Iskow at (202) 622–4920; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Richard A. Hurst at [Richard.A.Hurst@irs.counsel.treas.gov](mailto:Richard.A.Hurst@irs.counsel.treas.gov) or (202) 622–7180 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is the notice of proposed rulemaking (REG–127270–06) that was published in the **Federal Register** on Tuesday, September 15, 2009 (74 FR 47152).

Persons who wish to present oral comments at the hearing that submitted written comments must submit an outline of the topics to be discussed and

the amount of time to be devoted to each topic (signed original and eight (8) copies) by February 2, 2010.

A period of 10 minutes is allotted to each person for presenting oral comments. After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available, free of charge, at the hearing or in the Freedom of Information Reading Room (FOIA RR) (Room 1621) which is located at the 11th and Pennsylvania Avenue, NW. entrance, 1111 Constitution Avenue, NW., Washington, DC.

Because of access restrictions, the IRS will not admit visitors beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this document.

**LaNita Van Dyke,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, Procedure and Administration.*

[FR Doc. 2010–168 Filed 1–8–10; 8:45 am]

**BILLING CODE 4830–01–P**

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3050

[Docket No. RM2010–7; Order No. 372]

#### Periodic Reporting

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Proposed rule; notice of availability of rulemaking petition.

**SUMMARY:** The Postal Service has proposed adjustments to the methodology of a key element in the Parcel Select cost model. If adopted, the adjustments could affect the cost differences between certain Parcel Select price categories. The Commission is establishing a docket to consider this proposal and invites public comment.

**DATES:** Comments are due: January 8, 2010.

**ADDRESSES:** Submit comments electronically via the Commission’s Filing Online system at <http://www.prc.gov>. Commenters who cannot file their views electronically should contact the person identified in “FOR FURTHER INFORMATION CONTACT” by telephone for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202–789–6824 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Commission Analysis
- III. Ordering Paragraphs

**I. Background**

On December 22, 2009, the Postal Service filed a petition to initiate an informal rulemaking proceeding to consider changes in the analytical methods approved for use in periodic reporting.<sup>1</sup> Proposal Thirty would modify the billing determinants that are inputs to the cost models used to calculate the cost differences between the following price categories of Parcel Select: Inter-BMC, Intra-BMC, DBMC, DSCF, and DDU.

The Postal Service explains that during FY 2009, the Inter-BMC and Intra-BMC price categories of Parcel Select were merged into a "Nonpresort" category. It notes that the Commission approved a conforming change to the mail processing and transportation cost models for Parcel Select/PRS whereby billing determinant data that reflects the mail processing and transportation costs of the new Nonpresort price category are recorded and used.<sup>2</sup> As a result, the Postal Service explains, the billing determinant data used in these cost models consist of volume data for the Inter-BMC and Intra-BMC price categories for Quarters 1 through 3, and volume data for the new Nonpresort category in Quarter 4. Petition at 1.

The Postal Service therefore proposes to recast Quarter 4 billing determinants for the Nonpresort price category to be consistent with the disaggregated classification structure and cost models that prevailed during the first three quarters of FY 2009. It would do this by assigning the Quarter 4 Nonpresort volumes for zones 6 through 8 to the Inter-BMC volume distribution table in the billing determinants. The Quarter 4 Nonpresort volumes for zones 1 through 5 would be assigned to the Inter- and Intra-BMC categories in the same proportion that these categories exhibited in Quarters 1 through 3. See Proposal Thirty supporting material attached to the Petition.

The Postal Service explains that imputing the disaggregated volume distribution of Quarters 1 through 3 to Quarter 4 will approximately annualize the results of the classification structure that prevailed during most of FY 2009.

It notes that the overall effect of Parcel Select results will be small because the Inter- and Intra-BMC categories account for a very small proportion of total FY 2009 Parcel Select volume. *Id.*

**II. Commission Analysis**

Proposal Thirty is a technical change to input data used in the Parcel Select cost models. It is designed to accommodate the transition of Parcel Select to a less disaggregated price structure. It is a one-time adjustment that will have no impact on cost estimation for Parcel Select going forward. The volume affected is small and unlikely to materially influence the financial results for Parcel Select for purposes of the FY 2009 Annual Compliance Report.

The Commission sets January 8, 2010 as the due date for public comments. Since Proposal Thirty does not appear to raise substantive issues, Proposal Thirty will be adopted as a final rule for purposes of reporting FY 2009 results if no adverse public comments are received by that date.

**III. Ordering Paragraphs**

*It is ordered:*

1. The Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider a Proposed Change in Analytic Principles (Proposal Thirty), filed December 22, 2009, is granted.

2. The Commission establishes Docket No. RM2010-7 to consider the matters raised in the Postal Service's Petition.

3. Interested persons may submit comments on Proposal Thirty no later than January 8, 2010.

4. John Klingenberg is designated to serve as the Public Representative representing the interests of the general public.

5. The Secretary shall arrange for publication of this Notice in the **Federal Register**.

By the Commission.

**Shoshana M. Grove,**

*Secretary.*

[FR Doc. 2010-179 Filed 1-6-10; 8:45 am]

**BILLING CODE 7710-FW-S**

**DEPARTMENT OF TRANSPORTATION****Pipeline and Hazardous Materials Safety Administration****49 CFR Parts 172, 173, 175**

[Docket No. PHMSA-2009-0095 (HM-224F)]

**RIN 2137-AE44**

**Hazardous Materials: Transportation of Lithium Batteries**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** PHMSA, in consultation with the Federal Aviation Administration (FAA), is proposing to amend requirements in the Hazardous Materials Regulations (HMR) on the transportation of lithium cells and batteries, including lithium cells and batteries packed with or contained in equipment. The proposed changes are intended to enhance safety by ensuring that all lithium batteries are designed to withstand normal transportation conditions. This would include provisions to ensure all lithium batteries are packaged to reduce the possibility of damage that could lead to a catastrophic incident, and minimize the consequences of an incident. In addition, lithium batteries would be accompanied by hazard communication that ensures appropriate and careful handling by air carrier personnel, including the flight crew, and informs both transport workers and emergency response personnel of actions to be taken in an emergency. These proposals are largely consistent with changes made to the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations) and the International Civil Aviation Organization Technical Instructions on the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) and respond to recommendations issued by the National Transportation Safety Board (NTSB).

**DATES:** Comments must be received by March 12, 2010.

We are proposing a mandatory compliance date of 75 days after the date of publication of a final rule in the **Federal Register**. In this NPRM, we solicit comments from interested persons regarding the feasibility of the proposed compliance date.

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

<sup>1</sup> Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider a Proposed Change in Analytic Principles (Proposal Thirty), December 22, 2009 (Petition).

<sup>2</sup> See Docket No. RM2009-10, Order on Analytical Principles Used in Periodic Reporting (Proposals Three through Nineteen), November 13, 2009, at 36-38.