

these standards can also be found in section 1.4 of the framework document.

In addition, Section 136(c)(4)(A) of EPCA 2005 amended EPCA to mandate that DOE set standards for the following additional categories of commercial refrigeration equipment: Ice-cream freezers; self-contained commercial refrigerators, freezers, and refrigerator-freezers without doors; and remote condensing commercial refrigerators, freezers, and refrigerator-freezers (42 U.S.C. 6313(c)(4)(A)). DOE undertook a rulemaking process beginning in April 2006, when it published a *Rulemaking Framework for Commercial Refrigeration Equipment Including Ice-Cream Freezers; Self-Contained Commercial Refrigerators, Freezers, and Refrigerator-Freezers without doors; and Remote Condensing Commercial Refrigerators, Freezers, and Refrigerator-Freezers*. The final rule was published on January 9, 2009. (74 FR 1091).

The EPCA 2005 amendments to EPCA also require DOE to conduct two cycles of rulemakings to determine whether to amend the standards for commercial refrigeration, both those prescribed by EPCA 2005 and those prescribed by DOE. (42 U.S.C. 6313(c)(5)(A)–(B)). In the first cycle, the subject of this rulemaking, DOE must publish a final rule establishing such amended standards by January 1, 2013 if DOE determines to amend the standards. (42 U.S.C. 6313(c)(5)(A)). Any amended standards adopted by DOE would apply to products manufactured three years or more after the date of publication, except that if DOE decides that a three-year period is inadequate, it shall provide a longer period not to exceed five years. (42 U.S.C. 6313(c)(5)(C)). This framework document is being published as a first step in meeting these statutory requirements.

DOE also considered standby and off mode for commercial refrigeration equipment and does not currently believe that these modes of operation are applicable to this equipment. As described in more detail in the framework document, commercial refrigeration equipment generally operates continuously. DOE plans, however, to examine the issue and address standby and off mode energy use in the analyses conducted over the course of the energy conservation standards rulemaking.

To initiate this rulemaking cycle for the consideration of amended energy conservation standards for commercial refrigeration equipment, DOE has prepared a framework document to explain the relevant issues, analyses,

and processes it anticipates using to determine whether to amend the standards, and, if so, for the development of such amended standards. The 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 commercial refrigeration equipment, and solicit comments, data, and information from participants and other interested parties.

DOE is planning to conduct in-depth technical analyses in the following areas: (1) Engineering; (2) energy-use characterization; (3) product price; (4) life-cycle cost (LCC) and payback period (PBP); (5) national impacts analysis (NIA); (6) manufacturer impact analysis; (7) utility impact analysis; (8) employment impact analysis; (9) environmental assessment; and (10) regulatory impact analysis. DOE will also conduct several other analyses that support those previously listed, including the market and technology assessment, the screening analysis (which contributes to the engineering analysis), and the shipments analysis (which contributes to the national impact analysis).

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 draft framework document is available at: http://www1.eere.energy.gov/buildings/appliance_standards/commercial/refrigeration_equipment.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 for this equipment, 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 June 7, 2010, comments and information on matters addressed in the framework document and on other matters relevant to DOE's consideration of amended standards for commercial refrigeration equipment.

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: http://www.eere.energy.gov/buildings/appliance_standards/commercial/refrigeration_equipment.html.

After the public meeting and the close of the comment period on the framework document, DOE will begin collecting data, conducting the analyses as discussed in the framework document and at the public meeting, and reviewing the public comments it receives.

DOE considers public participation to be a very important part of the process for determining whether to amend energy conservation standards, and if so, in setting those amended 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 to assist DOE in the standards rulemaking process. Accordingly, 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.

Issued in Washington, DC, on April 30, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2010–10655 Filed 5–5–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0037; Directorate Identifier 2007–NE–41–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG (RRD) Models Tay 650–15 and Tay 651–54 Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) for

Tay 650–15 turboprop engines. That AD currently requires initial and repetitive inspections of the low-pressure (LP) turbine discs stage 2 and stage 3 for corrosion, on certain Tay 650–15 serial number engines. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued 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: Strip results from some of the engines listed in the applicability section of this AD revealed excessively corroded low-pressure turbine discs stage 2 and stage 3. The corrosion is considered to be caused by the environment in which these engines are operated. Following a life assessment based on the strip findings it is concluded that inspections for corrosion attack are required. The action specified by this European Aviation Safety Agency (EASA) AD 2008–0122 was intended to avoid a failure of a low-pressure turbine disk stage 2 or stage 3 due to potential corrosion problems which could result in uncontained engine failure and damage to the airplane. It has been later realized that the same unsafe condition could potentially occur on more serial numbers for the Tay 650–15 engines and on the Tay 651–54 engines. This AD, superseding EASA AD 2008–0122, retaining its requirements, is therefore issued to expand the Applicability in adding further engine serial numbers for the Tay 650–15 engines and in adding the Tay 651–54 engines.

We are proposing this AD to detect corrosion that could cause the stage 2 or stage 3 disk of the LP turbine to fail and result in an uncontained failure of the engine.

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> and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlwitz, 15827 Blankenfelde-Mahlow, Germany; phone: 011 49 (0) 33–7086–1883; fax:

011 49 (0) 33–7086–3276, for the service information identified in this proposed AD.

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 (phone: (800) 647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tara Chaidez, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: tara.chaidez@faa.gov; phone: (781) 238–7773; fax: (781) 238–7199.

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–2007–0037; Directorate Identifier 2007–NE–41–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 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 with FAA personnel concerning this proposed AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Discussion

On October 8, 2009, the FAA issued AD 2009–22–01 (Amendment 39–16052 (74 FR 55121, October 27, 2009), which superseded AD 2008–10–14 (Amendment 39–15521, 73 FR 29405,

May 21, 2008). AD 2009–22–01 requires initial and repetitive inspections of the LP turbine discs stage 2 and stage 3 for corrosion on 79 engines by serial number. That AD was the result of MCAI issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. That condition, if not corrected, could result in the stage 2 or stage 3 disk of the LP turbine to fail and result in an uncontained failure of the engine.

Since AD 2009–22–01 was issued, RRD identified 14 additional Tay 650–15 engines by serial number that require the same inspections. RRD also expanded the applicability to all Tay 651–54 engines. EASA, which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2010–0060R1, dated April 14, 2010. That MCAI extends the applicability to include the 14 additional Tay 650–15 engine serial numbers and Tay 651–54 engines for inspections. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Rolls-Royce Deutschland has issued Alert Service Bulletin No. TAY–72–A1524, Revision 3, dated March 24, 2010. 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

These products have been approved by the United Kingdom (UK), and are approved for operation in the United States. Pursuant to our bilateral agreement with the UK, they have notified us of the unsafe condition described in the MCAI ADs, 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. This proposed AD would require initial and repetitive eddy current inspections of HP turbine discs.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about three Tay 651–54 engines installed on airplanes of U.S. registry. We also estimate that it would take about three work-hours per engine to comply with this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$40,000 per engine. Based on these

figures, we estimate the cost of the proposed AD on U.S. operators to be \$120,765.

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:

Rolls-Royce Deutschland Ltd & Co KG (RRD) (formerly Rolls-Royce plc, Derby, England): Docket No. FAA-2007-0037; Directorate Identifier 2007-NE-41-AD.

Comments Due Date

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

Affected Airworthiness Directives (ADs)

Affected ADs

(b) This AD supersedes AD 2009-22-01, Amendment 39-16052.

Applicability

- (c) This AD applies to:
- (1) RRD model Tay 650-15 turbofan engines that have a serial number listed in Table 1, Table 2, or Table 3 of this AD;
 - (2) All model Tay 651-54 turbofan engines; and
 - (3) Engines with a low-pressure (LP) turbine module M05300AA installed. These engines are installed on, but not limited to, Fokker F.28 Mark 0070 and 0100 airplanes, Boeing 727 airplanes modified in accordance with Supplemental Type Certificate No. SA8472SW, and Gulfstream G-IV airplanes.

TABLE 1—AFFECTED TAY 650-15 ENGINES BY SERIAL NUMBER (CARRIED FORWARD FROM AD 2008-10-14 AND AD 2009-22-01)

Engine serial number	
17251	17561
17255	17562
17256	17563
17273	17580
17275	17581
17280	17612
17281	17618
17282	17635
17300	17637
17301	17645
17327	17661
17332	17686
17365	17699
17393	17701
17437	17702
17443	17736
17470	17737
17520	17738
17521	17739
17523	17741
17539	17742
17542	17808
17556	

TABLE 2—AFFECTED TAY 650-15 ENGINES BY SERIAL NUMBER (CARRIED FORWARD FROM AD 2009-22-01)

Engine serial number	
17249	17522
17303	17534
17358	17535
17370	17536
17425	17538
17426	17540
17433	17541
17438	17552
17445	17553
17446	17585
17460	17613
17474	17723
17478	17724
17490	17740
17491	17759
17517	17760
17518	17807

TABLE 3—AFFECTED TAY 650-15 ENGINES BY SERIAL NUMBER (ADDED NEW IN THIS AD)

Engine serial number	
17344	17707
17360	17716
17376	17718
17413	17719
17537	17731
17694	17756
17698	17757

Reason

(d) Strip results from some of the engines listed in the applicability section of this AD revealed excessively corroded low-pressure turbine disks stage 2 and stage 3. The corrosion is considered to be caused by the environment in which these engines are operated. Following a life assessment based on the strip findings it is concluded that inspections for corrosion attack are required. The action specified by this European Aviation Safety Agency (EASA) AD 2008-0122 was intended to avoid a failure of a low-pressure turbine disk stage 2 or stage 3 due to potential corrosion problems which could result in uncontained engine failure and damage to the airplane. It has been later realized that the same unsafe condition could potentially occur on more serial numbers for the Tay 650-15 engines and on the Tay 651-54 engines. This AD, superseding EASA AD 2008-0122, retaining its requirements, is therefore issued to expand the Applicability in adding further engine serial numbers for the Tay 650-15 engines and in adding the Tay 651-54 engines. We are issuing this AD to detect corrosion that could cause the stage 2 or stage 3 disk of the LP turbine to fail and result in an uncontained failure of the engine.

Actions and Compliance

(e) Unless already done, do the following actions.

- (1) Prior to accumulating 11,700 flight cycles (FC) since new of disk life, and

thereafter at intervals not exceeding 11,700 FC of disk life, inspect the LP turbine disks stage 2 and stage 3 for corrosion using RRD Alert Service Bulletin (ASB) No. TAY-72-A1524, Revision 3, dated March 24, 2010.

(2) For engines with disk life that already exceed 11,700 FC on the effective date of this AD, perform the inspection within 90 days after the effective date of this AD.

(3) When, during any of the inspections as required by paragraphs (e)(1) and (e)(2) of this AD, corrosion is found, replace the affected parts. RRD TAY 650 Engine Manual—E-TAY-3RR, Tasks 72-52-23-200-000 and 72-52-24-200-000, and RRD TAY 651 Engine Manual—E-TAY-5RR, Tasks 72-52-23-200-000 and 72-52-24-200-000, contain guidance on performing the inspection for corrosion and rejection criteria.

Previous Credit

(f) Initial inspections done before the effective date of this AD on LP turbine disks stage 2 and stage 3 listed in Table 1 and Table 2 of this AD using RRD ASB No. TAY-72-A1524, Revision 1, dated September 1, 2006, or Revision 2, dated June 13, 2008, comply with the initial inspection requirements specified in this AD.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Engine Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(h) Refer to EASA AD 2010-060R1, dated April 14, 2010, for related information. Contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlwitz, 15827 Blankenfelde-Mahlow, Germany; phone: 011 49 (0) 33-7086-1883; fax: 011 49 (0) 33-7086-3276, for a copy of the service information referenced in this AD.

(i) Contact Tara Chaidez, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: tara.chaidez@faa.gov; phone: (781) 238-7773; fax (781) 238-7199, for more information about this AD.

Issued in Burlington, Massachusetts, on April 29, 2010.

Peter A. White,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.
[FR Doc. 2010-10739 Filed 5-5-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket No. RM10-22-000]

Promoting a Competitive Market for Capacity Reassignments

April 29, 2010.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Based on the Commission's experience to date and a two-year study, released April 15, 2010, the Federal Energy Regulatory Commission proposes in this Notice of Proposed Rulemaking to lift the price cap for all transmission customers reassigning transmission capacity beyond October 1, 2010. The reforms proposed in this order are intended to facilitate the development of a market for capacity reassignments as a competitive alternative to primary capacity.

DATES: Comments are due July 6, 2010.

ADDRESSES: You may submit comments, identified by docket number by any of the following methods:

- *Agency Web site:* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.

- *Mail/Hand Delivery:* Commenters unable to file comments electronically must mail or hand deliver an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT:

Laurel Hyde (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8146,

A. Cory Lankford (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-6711.

SUPPLEMENTARY INFORMATION:

1. Based on the Commission's experience to date and a two-year study,

released April 15, 2010,¹ the Federal Energy Regulatory Commission (Commission) proposes in this Notice of Proposed Rulemaking (NOPR) to lift the price cap for all transmission customers reassigning transmission capacity beyond October 1, 2010. The reforms proposed in this order are intended to facilitate the development of a market for capacity reassignments as a competitive alternative to primary capacity.

I. Background

2. In Order No. 888, the Commission concluded that a transmission provider's *pro forma* Open Access Transmission Tariff (OATT) must explicitly permit the voluntary reassignment of all or part of a holder's firm point-to-point capacity rights to any eligible customer.² The Commission also found that allowing holders of firm transmission capacity rights to reassign capacity would help parties manage the financial risks associated with their long-term commitment, reduce the market power of transmission providers by enabling customers to compete, and foster efficient capacity allocation.

3. With respect to the appropriate rate for capacity reassignment, the Commission concluded it could not permit reassignments at market-based rates because it was unable to determine that the market for reassigned capacity was sufficiently competitive so that assignors would not be able to exert market power. Instead, the Commission capped the rate at the highest of (1) the original transmission rate charged to the purchaser (assignor), (2) the transmission provider's maximum stated firm transmission rate in effect at the time of the reassignment, or (3) the assignor's own opportunity costs capped at the cost of expansion (price cap). The Commission further explained that opportunity cost pricing had been permitted at "the higher of embedded costs or legitimate and verifiable opportunity costs, but not the sum of the two (*i.e.*, 'or' pricing is permitted;

¹ FERC Staff, *Staff Findings on Capacity Reassignment* (2010), available at: <http://www.ferc.gov> (Staff Report).

² *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036, at 31,696 (1996), *order on reh'g*, Order No. 888-A, 62 FR 12274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048 (1997), *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (DC Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).