

- Usage profiles;
- Technology options for increasing efficiency;
- Costs related to increasing efficiency;
- Equipment cost;
- Maintenance costs;
- Unit energy consumption calculations and values; and
- Alternative sources, databases, and methodologies for the analyses and inputs used in this proposed determination.

#### V. Approval of the Office of the Assistant Secretary

The Assistant Secretary of DOE's Office of Energy Efficiency and Renewable Energy has approved publication of this proposed determination.

#### List of Subjects in 10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation, Reporting and recordkeeping requirements.

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

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2010-9714 Filed 4-26-10; 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-2010-0449; Directorate Identifier 2009-SW-38-AD]

RIN 2120-AA64

#### Airworthiness Directives; Agusta S.p.A. (Agusta) Model A109E Helicopters

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

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

**SUMMARY:** We propose adopting a new airworthiness directive (AD) for the Agusta Model A109E helicopters. This proposed AD results from a mandatory continuing airworthiness information (MCAI) AD issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community. The MCAI AD states that after a report of an electrical failure, an investigation revealed inadequate functioning of the

35 amperes (Amps) battery bus (BATT BUS) circuit breaker that was not within design requirements. These actions are intended to replace the 35 Amps with a 50 Amps circuit breaker and replace the wires with oversized ones to prevent an electrical failure, loss of electrical power, and subsequent loss of control of the helicopter.

**DATES:** We must receive comments on this proposed AD by May 27, 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 proposed AD from Agusta, Via Giovanni Agusta, 520 21017 Cascina Costa di Samarate (VA), Italy, telephone 39 0331-229111, fax 39 0331-229605/222595, or at [http://customersupport.agusta.com/technical\\_advice.php](http://customersupport.agusta.com/technical_advice.php).

*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 proposed 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:** DOT/FAA Southwest Region, Mark Wiley, ASW-111, Aviation Safety Engineer, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5114, fax (817) 222-5961.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written data, views, or arguments about this proposed AD. Send your comments to an address listed in the **ADDRESSES**

section of this proposal. Include "Docket No. FAA-2010-0449; Directorate Identifier 2009-SW-38-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 we receive about this proposed AD.

#### Discussion

EASA, which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2009-0137, dated June 23, 2009, to correct an unsafe condition for the Agusta Model A109E helicopters.

Following a report of an electrical failure, Agusta investigated the electrical power generation system and identified inadequate functioning of the 35 Amps BATT BUS circuit breaker. To prevent an electrical failure, the manufacturer has developed a BATT BUS circuit breaker modification kit for replacing the 35 Amps circuit breaker with a 50 Amps circuit breaker and replacing the wires with oversized ones. You may obtain further information by examining the MCAI AD and any related service information in the AD docket.

#### Related Service Information

Agusta has issued Bollettino Tecnico No. 109EP-98, dated June 22, 2009, that specifies modifying the BATT BUS circuit breaker installation. The service information specifies modifying the fuselage electrical installation, part number (P/N) 109-0741-49, and the overhead panel electrical installation, P/N 109-0741-55, with a BATT BUS circuit breaker modification kit, P/N 109-0824-73-101. The actions described in the MCAI AD are intended to correct the same unsafe condition as that identified in the service information.

#### FAA's Evaluation and Unsafe Condition Determination

This model helicopter has been approved by the aviation authority of Italy and is approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, their Technical Agent, has notified us of the unsafe condition described in the MCAI AD. We are proposing this AD

because we evaluated the information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design.

#### Differences Between This AD and the MCAI AD

We refer to flight hours as hours time-in-service. Also, we do not refer to a calendar compliance date of December 31, 2009, because the effective date of this AD would be later than that date.

#### Costs of Compliance

We estimate that this AD would affect about 73 helicopters of U.S. registry. We also estimate that it would take about 5 work-hours per helicopter to modify the BATT BUS circuit breaker installation. The average labor rate is \$85 per work-hour. Required parts will cost about \$700 for the BATT BUS circuit breaker kit. Based on these figures, we estimate the cost of this AD on U.S. operators would be \$82,125, assuming the entire fleet is modified.

#### 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 product(s) 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.

Therefore, I certify this proposed AD:

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 an economic 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:

**AGUSTA S.p.A.:** Docket No. FAA-2010-0449; Directorate Identifier 2009-SW-38-AD.

#### Comments Due Date

(a) We must receive your comments by May 27, 2010.

#### Other Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Agusta Model A109E helicopters, all serial numbers up to and including serial number (S/N) 11758 (except S/N 11741, 11754, and 11757) modified with a circuit breaker modification kit, part number (P/N) 109-0812-04-101, -103, -107, or -109; certificated in any category.

#### Reason

(d) The mandatory continuing airworthiness information (MCAI) AD states after a report of an electrical failure, an investigation revealed inadequate functioning of the 35 amperes (Amps) battery bus (BATT BUS) circuit breaker.

#### Actions and Compliance

(e) Within 50 hours time-in-service, unless already done, modify the fuselage electrical installation, P/N 109-0741-49, and the overhead panel electrical installation, P/N 109-0741-55 with a BATT BUS circuit breaker modification kit, P/N 109-0824-73-101, as depicted in Figures 1 and 2 and by following the Compliance Instructions, paragraphs 2 through 20.7, of Agusta

Bollettino Tecnico No. 109EP-98, dated June 22, 2009.

#### Differences Between This AD and the MCAI AD

(f) We refer to flight hours as hours time-in-service. Also, we do not refer to a calendar compliance date of December 31, 2009, because the effective date of this AD would be later than that date.

#### Other Information

(g) *Alternative Methods of Compliance (AMOCs):* The Manager, Safety Management Group, ATTN: DOT/FAA Southwest Region, Mark Wiley, ASW-111, Aviation Safety Engineer, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5114, fax (817) 222-5961, has the authority to approve AMOCs for this AD, if requested, using the procedures found in 14 CFR 39.19.

#### Related Information

(h) EASA MCAI AD No. 2009-0137, dated June 23, 2009, contains related information.

#### Joint Aircraft System/Component (JASC) Code

(i) The JASC Code is 2460: Electrical Power Systems.

Issued in Fort Worth, Texas, on April 7, 2010.

#### Mark R. Schilling,

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2010-9696 Filed 4-26-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2010-0399; Airspace Docket No. 10-AGL-3]

#### Proposed Establishment of Class E Airspace; Paynesville, MN

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

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

**SUMMARY:** This action proposes to establish Class E airspace at Paynesville, MN. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Paynesville Municipal Airport, Paynesville, MN. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport. **DATES:** Comments must be received on or before June 11, 2010.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building