

Fifth Amendment to the U.S. Constitution.

*M. Section 32 of the Federal Energy Administration Act of 1974*

Under section 301 of the Department of Energy Organization Act (Pub. L. 95-91), the Department of Energy must comply with section 32 of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), as amended by the Federal Energy Administration Authorization Act of 1977 (Pub. L. 95-70). (15 U.S.C. 788) Section 32 provides that where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Department of Justice and the Federal Trade Commission concerning the impact of the commercial or industry standards on competition. This final rule to waive the provisions of 42 U.S.C. 6297(c) in certain circumstances is not a proposed rule and does not authorize or require the use of any commercial standards. Therefore, no consultation with either DOJ or FTC is required.

*N. Congressional Notification*

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of today's rule. The report will state that it has been determined that the rule is not a "major rule" as defined by 5 U.S.C. 804(2).

**III. Approval of the Office of the Secretary**

The Secretary of Energy has approved publication of this final rule.

Issued in Washington, DC, on December 15, 2010.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. 2010-32116 Filed 12-21-10; 8:45 am]

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**DEPARTMENT OF ENERGY**

**10 CFR Part 431**

[Docket Number EERE-2008-BT-TP-0008]

RIN 1904-AB71

**Energy Conservation Program: Energy Conservation Standards for Electric Motors**

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

**ACTION:** Final rule; technical correction.

**SUMMARY:** The U.S. Department of Energy (DOE) published a final rule on March 23, 2009, promulgating energy conservation standards for certain electric motors as prescribed in the Energy Policy and Conservation Act, as amended by the Energy Independence and Security Act. This document is being issued to correct the energy efficiency levels that DOE promulgated for NEMA Design B general purpose electric motors that, due to a drafting error, are not consistent with statutory requirements.

**DATES:** This technical correction is effective as of December 22, 2010.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Raba, 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. Telephone: (202) 586-8654. E-mail: [Jim.Raba@ee.doe.gov](mailto:Jim.Raba@ee.doe.gov).

In the Office of the General Counsel, contact Ms. Ami Grace-Tardy, U.S. Department of Energy, Office of the General Counsel, GC-71, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone: (202) 586-5709. E-mail: [Ami.Grace-Tardy@hq.doe.gov](mailto:Ami.Grace-Tardy@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Energy Policy and Conservation Act (EPCA), as amended by section 313(b)(1)(B) of the Energy Independence and Security Act (EISA 2007), requires each National Electrical Manufacturers Association (NEMA) Design B, general purpose electric motor with a power rating of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) after December 19, 2010, to have a nominal full load efficiency that is not less than the values in NEMA Standard MG-1 (2006) Table 12-11. (42 U.S.C. 6313(b)(2)(D)) DOE codified this requirement at 10 CFR 431.25(f). 74 FR 12058 (March 23, 2009)

It was recently discovered that the efficiency levels under 10 CFR 431.25(f), for NEMA Design B, six-pole open motors rated 250, 300, and 350 horsepower are not consistent with the EISA 2007 levels as prescribed. Today's final rule conforms these efficiency levels with EPCA, as amended by EISA

2007, by replacing the nominal full load efficiency of "94.5" with "95.4."

**II. Need for Correction**

As published, the nominal full load efficiency table at 10 CFR 431.25(f) contains three values that deviate from the requirements established by EPCA, as amended by EISA 2007. To correct this error, DOE is amending 10 CFR 431.25(f) to replace the current table with a corrected table of values. In light of the statutory requirement, the change addressed by today's document is technical in nature. In addition, because DOE does not have the discretion to deviate from these statutorily-prescribed requirements, DOE finds that there is good cause under 5 U.S.C. 553(b)(B) to not issue a separate notice to solicit public comment on the changes contained in this document. Issuing a separate notice to solicit public comments would be impractical, unnecessary, and contrary to the public interest.

**List of Subjects in 10 CFR part 431**

Administrative practice and procedure, Energy conservation, Reporting and recordkeeping requirements.

Issued in Washington, DC, on December 15, 2010.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

■ For the reasons stated in the preamble, DOE amends 10 CFR Part 431 as set forth below.

**PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT**

■ 1. The authority citation for part 431 continues to read as follows:

**Authority:** 42 U.S.C. 6291-6317.

■ 2. Section 431.25 is amended by revising paragraph (f) to read as follows:

**§ 431.25 Energy conservation standards and effective dates.**

\* \* \* \* \*

(f) Each NEMA Design B general purpose electric motor with a power rating of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment), on or after December 19, 2010, shall have a nominal full load efficiency that is not less than the following:

FULL-LOAD EFFICIENCIES OF NEMA DESIGN B GENERAL PURPOSE ELECTRIC MOTORS

Motor horsepower	Nominal full load efficiency							
	Open motors (number of poles)				Enclosed motors (number of poles)			
	8	6	4	2	8	6	4	2
250 .....	94.5	95.4	95.4	94.5	94.5	95.0	95.0	95.4
300 .....	.....	95.4	95.4	95.0	.....	95.0	95.4	95.4
350 .....	.....	95.4	95.4	95.0	.....	95.0	95.4	95.4
400 .....	.....	.....	95.4	95.4	.....	.....	95.4	95.4
450 .....	.....	.....	95.8	95.8	.....	.....	95.4	95.4
500 .....	.....	.....	95.8	95.8	.....	.....	95.8	95.4

\* \* \* \* \*  
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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2010-0611; Directorate Identifier 2009-SW-18-AD; Amendment 39-16487; AD 2010-22-08]

RIN 2120-AA64

**Airworthiness Directives; Eurocopter France Model AS 350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N Helicopters**

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

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting an airworthiness directive (AD) that was published in the **Federal Register**. That AD applies to the specified model helicopters. Table 1 of the AD has two part numbers that do not contain the "SC" prefix. This document adds the prefix and corrects that error. In all

other respects, the original document remains the same.

**DATES:** This final rule is effective December 22, 2010. The effective date for AD 2010-22-08 remains November 26, 2010.

**ADDRESSES:** 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (*phone:* 800-647-5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** DOT/FAA Southwest Region, Matt Wilbanks, ASW-111, Aviation Safety Engineer, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5051, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** This AD, Amendment 39-16487 (75 FR 65222,

October 22, 2010), requires replacing all servo-controls that are identified in the Applicability section, Table 1, of the AD.

As published, two part numbers shown in Table 1 on **Federal Register** page 65224, under item 2. of PART 39—AIRWORTHINESS DIRECTIVES section, are incorrect. The first incorrect part number (P/N) is "5084;" the correct P/N is "SC5084." The second incorrect P/N is "5084-1;" the correct P/N is "SC5084-1." The other P/Ns shown in Table 1 remain unchanged.

No other part of the preamble or regulatory information has been changed; therefore, only Table 1 of the final rule is being published in the **Federal Register**.

The effective date of this AD is November 26, 2010.

**Correction of Regulatory Text**

**§ 39.13 [Corrected]**

■ In the **Federal Register** document 2010-26565, filed October 21, 2010 and published on October 22, 2010 (75 FR 65222), on pages 65223 and 65224, Table 1 containing the part numbers 5084 and 5084-1 without the correct prefix "SC" is corrected to read as follows:

TABLE 1

Component	Part No. (P/N)	Serial No. (S/N)
Main rotor servo-control .....	P/N SC5083 .....	S/N 270M, 272M, 409M, 423M, 452M, or 1573.
	P/N SC5083-1 .....	S/N 2902 through 2921, inclusive.
	P/N SC5084 .....	S/N 30, 84, 104, 186, 438, 575, or 695.
	P/N SC5084-1 .....	S/N 1462 through 1481, inclusive.
Tail rotor servo-control .....	P/N SC5072 .....	S/N 222M, 306M, or 309.