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*Docket:* The docket is available for review at [www.regulations.gov](http://www.regulations.gov), including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The Secretary of Energy has approved publication of today's notice of proposed rulemaking.

Issued in Washington, DC, on June 17, 2013.

**Kathleen B. Hogan,**

*Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.*

[FR Doc. 2013-14847 Filed 6-20-13; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2012-0805; Directorate Identifier 2012-NM-117-AD]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The FAA withdraws a notice of proposed rulemaking (NPRM) that proposed to rescind an existing airworthiness directive (AD) that applies to certain The Boeing Company Model 767-200, -300, -300F, and -400ER series airplanes. The proposed AD action would have rescinded the existing AD, which requires an inspection to determine if certain motor operated valve (MOV) actuators for the fuel tanks are installed, and related investigative and corrective actions if necessary. Since the proposed AD action was issued, we have determined that the proposed AD action does not adequately address the safety concerns. Accordingly, the proposed AD action is withdrawn.

**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 action, the proposed rule (77 FR 47329, August 8, 2012), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is the 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:

Rebel Nichols, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: (425) 917-6509; fax: (425) 917-6590; email: [Rebel.Nichols@faa.gov](mailto:Rebel.Nichols@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We proposed to amend 14 CFR part 39 with a notice of proposed rulemaking (NPRM) to rescind AD 2009-22-13, Amendment 39-16066 (74 FR 55755, October 29, 2009). That AD applies to the specified products. The NPRM published in the **Federal Register** on August 8, 2012 (77 FR 47329). That NPRM proposed to rescind AD 2009-22-13, which requires an inspection to determine if certain MOV actuators for the fuel tanks are installed, and related investigative and corrective actions if necessary. That AD resulted from fuel system reviews conducted by the manufacturer. The proposed actions were intended to prevent an unsafe condition from being introduced on airplanes affected by AD 2009-22-13.

##### Comments

We gave the public the opportunity to participate in considering the proposal (77 FR 47329, August 8, 2012) to rescind AD 2009-22-13, Amendment 39-16066 (74 FR 55755, October 29, 2009). The following presents relevant comments received on the proposal and the FAA's response.

##### Requests To Clarify "Different Unsafe Condition"

UPS and Boeing requested clarification of the different unsafe condition introduced by the actions required by AD 2009-22-13, Amendment 39-16066 (74 FR 55755, October 29, 2009). UPS stated there is no clear direction on which unsafe condition would have a greater impact to the continued safe operation of the airplane, and subsequently, it is not clear what further action should be done to address airplanes on which the

requirements of AD 2009-22-13 have been accomplished.

We agree that clarification of the different unsafe condition is necessary. AD 2009-22-13, Amendment 39-16066 (74 FR 55755, October 29, 2009), addresses the potential for an electrical current to flow through certain MOV actuators into the fuel tank. The new MOV actuators are required by AD 2009-22-13 for 11 to 13 locations (depending on configuration) on the airplane, and that AD addresses an unsafe condition related to Special Federal Aviation Regulation No. 88 ("SFAR 88" (66 FR 23086, May 7, 2001), Amendment 21-78, and subsequent Amendments 21-82 and 21-83). However, the new MOV actuators have been found to have a risk of latent failure. At three of the 11 to 13 locations, this actuator failure could result in a different unsafe condition—an inability to shut off fuel flow to an APU or engine during an engine fire. This latent failure is not a safety risk in the other eight to ten locations.

We have determined that AD 2009-22-13, Amendment 39-16066 (74 FR 55755, October 29, 2009), should not be rescinded, but should continue to require actions that address SFAR 88-related safety. Because AD 2009-22-13 does address a significant safety risk, it is not in the interest of safety to rescind that AD. For the new MOV actuators, we are considering further rulemaking to address the three locations where a latent failure of the actuator could result in a failure to shut off fuel flow during an engine fire.

##### FAA's Conclusions

Upon further consideration, we have determined that the NPRM (77 FR 47329, August 8, 2012) does not adequately address the safety concern. Accordingly, the NPRM is withdrawn.

Withdrawal of the NPRM (77 FR 47329, August 8, 2012) does not preclude the FAA from issuing another related action or commit the FAA to any course of action in the future.

##### Regulatory Impact

Since this action only withdraws an NPRM (77 FR 47329, August 8, 2012), it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

##### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

## The Withdrawal

Accordingly, we withdraw the NPRM, Docket No. FAA–2012–0805, Directorate Identifier 2012–NM–117–AD, which was published in the **Federal Register** on August 8, 2012 (77 FR 47329).

Issued in Renton, Washington, on June 13, 2013.

**Jeffrey E. Duven,**

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

[FR Doc. 2013–14861 Filed 6–20–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2013–0463; Directorate Identifier 2012–NM–165–AD]

RIN 2120–AA64

#### Airworthiness Directives; Airbus Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A330–200, –200 Freighter, and –300 series airplanes. This proposed AD was prompted by a report that a certain wire harness located in the tail cone has wiring of a narrower gauge than design requires. This proposed AD would require replacing the affected wire harness. We are proposing this AD to prevent damage to the affected wiring, which could create an ignition source in an area that might contain fuel vapors, possibly resulting in an uncontrolled fire and subsequent loss of the airplane.

**DATES:** We must receive comments on this proposed AD by August 5, 2013.

**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 comments.
- *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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email [airworthiness.A330-A340@airbus.com](mailto:airworthiness.A330-A340@airbus.com); Internet <http://www.airbus.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

#### 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 (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 227–1138; fax: (425) 227–1149.

#### 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–2013–0463; Directorate Identifier 2012–NM–165–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

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0182, dated September 11, 2012 (referred to

after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

On a production aeroplane, it has been discovered that wires in harness 5877VB, installed in the Tail Cone (Section 19.1) and connected to the Auxiliary Power Unit starter, have a section smaller [narrower] than required by design. Section 19 is a flammable fluid leakage zone, adjacent to a fuel tank (trim tank) and is open with Section 19.1. The results of the investigation show that this issue is a manufacturing quality issue. Airbus identified a list of other aeroplanes that are affected.

This condition, if not corrected, could damage the wiring which may create an ignition source in an area that may contain fuel vapours, possibly resulting in an uncontrolled fire and subsequent loss of the aeroplane.

\* \* \* \* \*

For the reasons described above, this [EASA] AD requires the replacement of the affected wiring harness.

You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Airbus has issued Mandatory Service Bulletin A330–92–3116, dated April 25, 2012. 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

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI 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.

#### Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 1 product of U.S. registry. We also estimate that it would take about 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$2,920 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control