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

On October 19, 2009, we issued AD 2009–22–13, Amendment 39–16066 (74 FR 55755, October 29, 2009), for certain The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes. That AD requires an inspection to determine if certain motor operated valve 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. We issued that AD to prevent an ignition source inside the fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Actions Since Existing AD (74 FR 55755, October 29, 2009) Was Issued

Since we issued AD 2009–22–13, Amendment 39–16066 (74 FR 55755, October 29, 2009), we discovered that the corrective action addresses that safety concern, but also introduces a different unsafe condition. The manufacturer is developing a more complete solution to address both unsafe conditions. We will consider additional rulemaking to require a new solution once that solution is developed, approved, and available for accomplishment.

FAA's Conclusions

Upon further consideration, we have determined that existing AD 2009–22–13, Amendment 39–16066 (74 FR 55755, October 29, 2009), must be rescinded. Accordingly, this proposed AD would rescind AD 2009–22–13. Rescission of AD 2009–22–13 would not preclude the FAA from issuing another related action or commit the FAA to any course of action in the future.

Related Costs

AD 2009–22–13, Amendment 39–16066 (74 FR 55755, October 29, 2009), affects about 397 airplanes of U.S. registry. The estimated cost of the currently required actions for U.S. operators is between $67,490 and $134,980, or between $170 and $340 per airplane. Rescinding AD 2009–22–13 would eliminate those costs.

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 have 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 that the 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);

(3) Will not affect intrastate aviation in Alaska; and

(4) 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.

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 removing airworthiness directive (AD) 2009–22–13, Amendment 39–16066 (74 FR 55755, October 29, 2009), and adding the following new AD:

The Boeing Company: Docket No. FAA–2012–0805; Directorate Identifier 2012–NM–117–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by September 24, 2012.

Affected ADs

(b) This action rescinds AD 2009–22–13, Amendment 39–16066 (74 FR 55755, October 29, 2009).

Applicability

(c) This action applies to The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 767–28A0090, dated July 3, 2008.

Issued in Renton, Washington, on July 31, 2012.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–19238 Filed 8–7–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–0158; Directorate Identifier 2010–NM–118–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 supersede an existing airworthiness directive (AD) that applies to certain The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes. The proposed AD would have continued to require an inspection to determine if certain motor operated valve actuators for the fuel tanks are installed, and related investigative and corrective actions if necessary. That proposed AD would have added airplanes and, for certain airplanes, required additional inspections to determine if certain motor operated valve actuators for the fuel tanks are installed, and related

investigative and corrective actions if necessary. Since the proposed AD was issued, we have received new data indicating that the existing AD addresses that safety concern, but also introduces a different unsafe condition. Accordingly, the proposed AD 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 proposed rule, 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.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 of with a notice of proposed rulemaking (NPRM) to supersede 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 March 14, 2011 (76 FR 13534). That NPRM would have continued to require an inspection to determine if certain motor operated valve actuators for the fuel tanks are installed, and related investigative and corrective actions if necessary. That proposed AD would have added airplanes and, for certain airplanes, required additional inspections to determine if certain motor operated valve actuators for the fuel tanks are installed, and related investigative and corrective actions if necessary. That NPRM resulted from fuel system reviews conducted by the manufacturer. The proposed actions were intended to prevent an ignition source inside the fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Actions Since NPRM (76 FR 13534, March 14, 2011) Was Issued

Since we issued the NPRM (76 FR 13534, March 14, 2011), we discovered that the corrective action mandated by AD 2009–22–13, Amendment 39–16066 (74 FR 55755, October 29, 2009), and subsequently the corrective actions proposed by the NPRM, address that safety concern, but also introduce a different unsafe condition. The manufacturer is developing a more complete solution to address both unsafe conditions.

Accordingly, we have determined that the NPRM (76 FR 13534, March 14, 2011), must be withdrawn. In addition, we are considering further rulemaking to rescind AD 2009–22–13, Amendment 39–16066 (74 FR 55755, October 29, 2009), and will consider requiring a new solution once it is developed, approved, and available for accomplishment.

FAA's Conclusions

Upon further consideration, we have determined that the existing AD does not properly address the safety concern. Accordingly, the NPRM (76 FR 13534, March 14, 2011) is withdrawn.

Withdrawal of the NPRM (76 FR 13534, March 14, 2011) 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 (76 FR 13534, March 14, 2011), 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–2011–0158, Directorate Identifier 2010–NM–118–AD, which was published in the **Federal Register** on March 14, 2011 (76 FR 13534).

Issued in Renton, Washington, on July 31, 2012.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–19244 Filed 8–7–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0343]

RIN 1625–AA11

Regulated Navigation Area—New Haven Harbor, Quinnipiac River, Mill River, New Haven, CT; Pearl Harbor Memorial Bridge (Interstate 95) Construction

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing changes to the existing regulated navigation area in the navigable waters of New Haven Harbor, Quinnipiac River and Mill River. The current RNA pertains only to the operation of tugs and barges. The changes would allow periodic, temporary closure of the area which will be needed during construction of the new Pearl Harbor Memorial Bridge, and which could be needed at other times as well. This proposed revision would allow the Coast Guard to suspend all vessel traffic through the RNA during periods of temporary closure. This rule is necessary to provide for the safety of life in the regulated area.

DATES: Comments and related material must be received by the Coast Guard on or before September 7, 2012.

Requests for public meetings must be received by the Coast Guard on or before August 20, 2012.

ADDRESSES: You may submit comments identified by docket number USCG–2012–0343 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.