

**§ 319.75–4 [Amended]**

■ 33. Section 319.75–4 is amended by removing the word “restricted” and adding the word “regulated” in its place.

**§ 319.75–5 [Amended]**

■ 34. In § 319.75–5, paragraphs (a) and (b) are amended by removing the word “restricted” each time it appears in and adding the word “regulated” in its place.

**§ 319.75–6 [Amended]**

■ 35. Section 319.75–6 is amended by removing the word “restricted” and adding the word “regulated” in its place.

**§ 319.75–7 [Amended]**

■ 36. In § 319.75–7, footnote 3 is redesignated as footnote 4.

**§ 319.75–8 [Amended]**

■ 37. Section 319.75–8 is amended by removing the word “restricted” both times it appears and adding the word “regulated” in its place.

**§ 319.75–9 [Amended]**

■ 38. In § 319.75–9, paragraphs (a), (b), and (c) are amended by removing the word “restricted” each time it appears in and adding the word “regulated” in its place.

## **PART 322—BEES, BEEKEEPING BYPRODUCTS, AND BEEKEEPING EQUIPMENT**

■ 39. The authority citation for part 322 continues to read as follows:

**Authority:** 7 U.S.C. 281; 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

■ 40. In § 322.13, paragraph (b) is revised to read as follows:

### **§ 322.13 General requirements; restricted organisms.**

(b) Persons importing restricted organisms into the United States must be and Federal, State, or university researchers; be at least 18 years of age; and be physically present during normal business hours at an address within the United States specified on the permit during any periods when articles are being imported or moved interstate under the permit. All such importations must be for research or experimental purposes and in accordance with this part.

**§ 322.14 [Amended]**

■ 41. In § 322.14, paragraph (a)(1) is amended by removing the second and third sentences.

■ 42. Section 322.15 is amended by revising the section heading, adding

paragraph (c)(5), and revising paragraph (e) to read as follows:

### **§ 322.15 APHIS review of permit applications; denial or revocation of permits.**

\* \* \* \* \*

(c) \* \* \*

(5) APHIS may also deny a permit to import restricted organisms:

(i) To a person who has previously failed to comply with any APHIS regulation, except:

(A) A permit revoked in an investigation concerning that failure has been reinstated on appeal, at the discretion of APHIS; or

(B) All measures ordered by APHIS to correct the failure, including but not limited to, payment of penalties or restitution, have been complied with to the satisfaction of APHIS.

(ii) To a person who has previously failed to comply with any international or Federal regulation or instruction concerning the importation of prohibited or restricted foreign agricultural products; or

(iii) If the application for a permit contains information that is found to be materially false, fraudulent, deceptive, or misrepresentative.

\* \* \* \* \*

(e) *Appealing the denial of permit applications or revocation of permits.* If your permit application has been denied or your permit has been revoked, APHIS will inform you in writing, including by electronic methods, as promptly as circumstances permit and will include the reasons for the denial or revocation. You may appeal the decision by writing to APHIS within 10 business days from the date you received the communication notifying you of the denial or revocation of the permit. Your appeal must state all facts and reasons upon which you are relying to show that your permit application was wrongfully denied or your permit was wrongfully revoked. APHIS will grant or deny the appeal in writing and will state in writing the reason for the decision. The denial or revocation will remain in effect during the resolution of the appeal.

\* \* \* \* \*

## **PART 360—NOXIOUS WEED REGULATIONS**

■ 43. The authority citation for part 360 continues to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

■ 44. Section 360.304 is amended as follows:

■ a. By revising the section heading,

■ b. In paragraph (a)(5), by removing the period at the end of the sentence and adding the word “; or” in its place.

■ c. By adding paragraphs (a)(6) and (7).

■ d. In paragraph (b), introductory text, by removing the word “cancel” and adding the word “revoke” in its place.

■ e. In paragraph (c), by removing the word “canceled” each time it appears and adding the word “revoked” in its place, and by removing the word “cancellation” and adding the word “revocation” in its place.

The revision and additions read as follows:

### **§ 360.304 Denial of an application for a permit to move a noxious weed; revocation of a permit to move a noxious weed.**

(a) \* \* \*

(6) The application for the permit contains information that is found to be materially false, fraudulent, or deceptive.

(7) APHIS may deny a permit to a person who has previously failed to comply with any APHIS regulation.

\* \* \* \* \*

■ 45. Section 360.305 is amended by revising the section heading and by removing the word “canceled” each time it appears and adding the word “revoked” in its place.

The revision reads as follows:

### **§ 360.305 Disposal of noxious weeds when permits are revoked.**

\* \* \* \* \*

Done in Washington, DC, this 14th day of June 2013.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2013–14638 Filed 6–20–13; 8:45 am]

**BILLING CODE 3410–34–P**

## **DEPARTMENT OF ENERGY**

### **10 CFR Part 429**

[Docket No. EERE–2013–BT–NOC–0023]

### **Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Open Meetings for the Commercial HVAC, WH, and Refrigeration Certification Working Group and Announcement of Working Group Members To Negotiate Commercial Certification Requirements for Commercial HVAC, WH, and Refrigeration Equipment**

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

**ACTION:** Notice of open meetings.

**SUMMARY:** This notice announces the open meetings of the Commercial

Heating, Ventilation, and Air-conditioning (HVAC), Water Heating (WH), and Refrigeration Certification Working Group (Commercial Certification Group). The purpose of the Commercial Certification Group is to undertake a negotiated rulemaking to discuss and, if possible, reach consensus on proposed certification requirements for commercial HVAC, WH, and refrigeration equipment, as authorized by the Energy Policy and Conservation Act of 1975, as amended.

**DATES:** For dates of meetings, see Public Participation in the **SUPPLEMENTARY INFORMATION** section.

**ADDRESSES:** All meetings will be held at the U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585 except for the June 21, 2013 and August 7, 2013 meetings. Those meeting locations are to be determined. Individuals will also have the opportunity to participate by webinar. To register for the webinar and receive call-in information, please register at [http://www1.eere.energy.gov/buildings/appliance\\_standards/asrac.html](http://www1.eere.energy.gov/buildings/appliance_standards/asrac.html).

**FOR FURTHER INFORMATION CONTACT:** John Cymbalsky, ASRAC Designated Federal Officer, Supervisory Operations Research Analyst, U.S. Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy, 950 L'Enfant Plaza SW., Washington, DC 20024. Email: [asrac@ee.doe.gov](mailto:asrac@ee.doe.gov).

#### **SUPPLEMENTARY INFORMATION:**

**Membership:** The members of the Certification Working Group were chosen from nominations submitted in response to the DOE's call for nominations published in the **Federal Register** on Tuesday, March 12, 2013. 78 FR 15653. The selections are designed to ensure a broad and balanced array of stakeholder interests and expertise on the negotiating working group for the purpose of developing a rule that is legally and economically justified, technically sound, fair to all parties, and in the public interest. All meetings are open to all stakeholders and the public, and participation by all is welcome within boundaries as required by the orderly conduct of business. The members of the Certification Group are as follows:

#### **DOE and ASRAC Representatives**

- Laura Barhydt (U.S. Department of Energy)
- John Mandyck (UTC Climate, Controls & Security)
- Kent Peterson (P2S Engineering, Inc.)

#### **Other Selected Members**

- Karim Amrane (Air-Conditioning, Heating and Refrigeration Institute)
- Timothy Ballo (EarthJustice)
- Jeff Bauman (National Refrigeration & Air-Conditioning)
- Brice Bowley (GE Appliances)
- Mary Dane (Traulsen)
- Paul Doppel (Mitsubishi Electric US, Inc.)
- Geoffrey Halley (SJI Consultants, Inc.)
- Pantelis Hatzikazakis (Lennox International, Inc.)
- Charles Hon (True Manufacturing)
- Jill Hootman (Trane)
- Marshall Hunt (Pacific Gas and Electric Company)
- Michael Kojak (Underwriters Laboratories LLC)
- Karen Meyers (Rheem Manufacturing Co.)
- Peter Molvie (Cleaver-Brooks Product Development)
- Neil Rolph (Lochinvar, LLC)
- Harvey Sachs (American Council for an Energy-Efficient Economy)
- Ronald Shebik (Husmann Corporation)
- Judd Smith (CSA)
- Louis Starr (Northwest Energy Efficiency Alliance)
- Phillip Stephens (Heat Transfer Products)
- Russell Tharp (Goodman Manufacturing)
- Eric Truskoski (Bradford White Corp.)

**Purpose of Meeting:** To provide advice and recommendations to the U.S. Department of Energy on certification requirements of commercial HVAC, WH, and refrigeration equipment under the authority of the Negotiated Rulemaking Act (5 U.S.C. 561–570, Pub. L. 104–320).

**Public Participation:** Open meetings will be held on: Friday, June 21, 2013 from 9:00 a.m. to 5:00 p.m. EDT; Monday, July 1, 2013 from 10:00 a.m. to 6:00 p.m. EDT; Tuesday, July 2, 2013 from 8:00 a.m. to 3:00 p.m. EDT; Wednesday, July 17, 2013 from 10:00 a.m. to 6:00 p.m. EDT; Thursday, July 18, 2013 from 8:00 a.m. to 3:00 p.m. EDT; Wednesday, July 31, 2013 from 10:00 a.m. to 6:00 p.m. EDT; Thursday, August 1, 2013 from 8:00 a.m. to 6:00 p.m. EDT; Wednesday, August 7, 2013 from 10:00 a.m. to 6:00 p.m. EDT; Thursday, August 8, 2013 from 8:00 a.m. to 3:00 p.m. EDT; Wednesday, August 21, 2013 from 10:00 a.m. to 6:00 p.m. EDT; Thursday, August 22, 2013 from 8:00 a.m. to 3:00 p.m. EDT; Monday, August 26, 2013 from 10:00 a.m. to 3:00 p.m. EDT; Tuesday, August 27, 2013 EDT.

To attend the meetings and/or to make oral statements regarding any of

the items on the agenda, email [asrac@ee.doe.gov](mailto:asrac@ee.doe.gov). In the email, please indicate your name, organization (if appropriate), citizenship, and contact information. Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meetings should advise ASRAC staff as soon as possible by emailing [asrac@ee.doe.gov](mailto:asrac@ee.doe.gov) to initiate the necessary procedures, no later than two weeks before each meeting. Anyone attending the meetings will be required to present a government photo identification, such as a passport, driver's license, or government identification. Due to the required security screening upon entry, individuals attending should arrive early to allow for the extra time needed.

Members of the public will be heard in the order in which they sign up for the Public Comment Period. Time allotted per speaker will depend on the number of individuals who wish to speak but will not exceed five minutes. Reasonable provision will be made to include the scheduled oral statements on the agenda. A third-party neutral facilitator will make every effort to allow the presentations of views of all interested parties and to facilitate the orderly conduct of business.

Participation in the meetings is not a prerequisite for submission of written comments. Written comments are welcome from all interested parties. Any comments submitted must identify the Commercial HVAC, WH, and Refrigeration Certification Working Group, and provide docket number EERE–2013–BT–NOC–0023. Comments may be submitted using any of the following methods:

1. **Federal eRulemaking Portal:** [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.
2. **Email:** [ASRACworkgroup2013NOC0023@ee.doe.gov](mailto:ASRACworkgroup2013NOC0023@ee.doe.gov). Include docket number EERE–2013–BT–NOC–0023 in the subject line of the message.
3. **Mail:** Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
4. **Hand Delivery/Courier:** Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

**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.