

list and submit written comments as appropriate.

- The person may attend working group meetings, which are open to the public; caucus with his or her interest's member on the working group; or even address the working group during the public comment portion of the working group meeting.

- The person could assist the efforts of a workgroup that the working group might establish.

A working group may establish informal workgroups, which usually are asked to facilitate committee deliberations by assisting with various technical matters (e.g., researching or preparing summaries of the technical literature or comments on specific matters such as economic issues). Workgroups also might assist in estimating costs or drafting regulatory text on issues associated with the analysis of the costs and benefits addressed, or formulating drafts of the various provisions and their justifications as previously developed by the working group. Given their support function, workgroups usually consist of participants who have expertise or particular interest in the technical matter(s) being studied. Because it recognizes the importance of this support work for the working group, DOE will provide appropriate technical expertise for such workgroups.

#### D. Good Faith Negotiation

Every working group member must be willing to negotiate in good faith and have the authority, granted by his or her constituency, to do so. The first step is to ensure that each member has good communications with his or her constituencies. An intra-interest network of communication should be established to bring information from the support organization to the member at the table, and to take information from the table back to the support organization. Second, each organization or coalition therefore should designate as its representative a person having the credibility and authority to ensure that needed information is provided and decisions are made in a timely fashion. Negotiated rulemaking can require the appointed members to give a significant sustained for as long as the duration of the negotiated rulemaking. Although the ASRAC advisory committee charter will be in effect for 2 years from the date it is filed with Congress, DOE expects the working group's deliberations to conclude or be terminated earlier than that. Other qualities of members that can be helpful are negotiating experience and skills, and sufficient

technical knowledge to participate in substantive negotiations.

Certain concepts are central to negotiating in good faith. One is the willingness to bring all issues to the bargaining table in an attempt to reach a consensus, as opposed to keeping key issues in reserve. The second is a willingness to keep the issues at the table and not take them to other forums. Finally, good faith includes a willingness to move away from some of the positions often taken in a more traditional rulemaking process, and instead explore openly with other parties all ideas that may emerge from the working group's discussions.

#### E. Facilitator

The facilitator will act as a neutral in the substantive development of the proposed standard. Rather, the facilitator's role generally includes:

- Impartially assisting the members of the working group in conducting discussions and negotiations; and
- Impartially assisting in performing the duties of the Designated Federal Official under FACA.

#### F. Department Representative

The DOE representative will be a full and active participant in the consensus building negotiations. The Department's representative will meet regularly with senior Department officials, briefing them on the negotiations and receiving their suggestions and advice so that he or she can effectively represent the Department's views regarding the issues before the working group. DOE's representative also will ensure that the entire spectrum of governmental interests affected by the standards rulemaking, including the Office of Management and Budget, the Attorney General, and other Departmental offices, are kept informed of the negotiations and encouraged to make their concerns known in a timely fashion.

#### G. Working Group and Schedule

After evaluating the comments submitted in response to this notice of intent and the requests for nominations, DOE will either inform the members of the working group that they have been selected or determine that conducting a negotiated rulemaking is inappropriate.

DOE will advise working group members of administrative matters related to the functions of the working group before beginning. DOE will establish a meeting schedule based on the settlement agreement and produce the necessary documents so as to adhere to that schedule. While the negotiated rulemaking process is underway, DOE is committed to performing much of the

same analysis as it would during a normal standards rulemaking process and to providing information and technical support to the working group.

#### IV. Comments Requested

DOE requests comments on whether it should use negotiated rulemaking for its rulemaking pertaining to the energy efficiency of commercial/industrial pumps and the extent to which the issues, parties, and procedures described above are adequate and appropriate. DOE also requests comments on which parties should be included in a negotiated rulemaking to develop draft language pertaining to the energy efficiency of commercial/industrial pumps and suggestions of additional interests and/or stakeholders that should be represented on the working group. All who wish to participate as members of the working group should submit a request for nomination to DOE.

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

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

Issued in Washington, DC, on July 16, 2013.

**Kathleen B. Hogan,**

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

[FR Doc. 2013-17505 Filed 7-22-13; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2013-0642; Directorate Identifier 2011-SW-035-AD]

RIN 2120-AA64

#### Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for Eurocopter Deutschland GmbH (Eurocopter) Model MBB-BK 117 C-2 helicopters with a jettisonable sliding door (door) installed. This proposed AD would require inspecting the lock release assembly and the middle and upper lever locking bolts of each door, replacing any damaged parts with airworthy parts, and ensuring the door

is correctly installed. This proposed AD is prompted by the uncommanded detaching of a door from an MBB-BK 117 C-2 fuselage. The proposed actions are intended to prevent the in-flight loss of the door, which could damage the helicopter and injure persons on the ground.

**DATES:** We must receive comments on this proposed AD by September 23, 2013.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to <http://www.regulations.gov>. Follow the online instructions for sending your comments electronically.
- *Fax:* 202-493-2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.
- *Hand Delivery:* Deliver to the "Mail" address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### 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 foreign authority's AD, the economic 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 service information identified in this proposed AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at <http://www.eurocopter.com/techpub>. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

**FOR FURTHER INFORMATION CONTACT:** Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222-5110; email [matthew.fuller@faa.gov](mailto:matthew.fuller@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to participate in this rulemaking by submitting written

comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

#### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2011-0107, dated June 7, 2011, to correct an unsafe condition for Eurocopter Model MBB-BK 117 C-2 helicopters with jettisonable sliding doors installed. EASA states that in early 2010 it received a report that the door guides of the jettison mechanism on an MBB-BK 117 C-2 helicopter released uncommanded while opening the door, resulting in the door detaching from the fuselage. Although EASA initially did not consider this to be an unsafe condition, EASA has since determined that "this condition, if not detected and corrected, could result in cases of in-flight loss of the jettisonable door, possibly resulting in damage to, or loss of control of, the helicopter, or injury to persons on the ground." As a result, EASA requires repetitive inspections for the correct installation of the doors, door guides, and release cables.

#### FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an

unsafe condition is likely to exist or develop on other products of the same type design.

#### Related Service Information

We reviewed Eurocopter Alert Service Bulletin MBB-BK117 C-2-52A-015, Revision 0, dated April 26, 2011 (ASB), for Model MBB-BK 117 C-2 helicopters with jettisonable sliding doors installed. The ASB calls for inspecting the lock release assembly for damage and correct installation and inspecting the middle lever and upper lever locking bolts for correct installation. The ASBs require the inspections to be conducted within 50 hours time-in-service (TIS) or two months, whichever occurs first, and thereafter after every door guide installation.

#### Proposed AD Requirements

This proposed AD would require within 50 hours TIS:

- Visually inspecting each door lock release assembly for any frayed cables, stripped threads on a screw joint, and any pitting on a door guide, release cable or associated hardware, as well as inspecting for correct installation.
- Replacing with airworthy parts any frayed cables, screw joints with stripped threads, or door guides, release cables and associated hardware that have pitting.
- Allowing for a minimum of one millimeter clearance at each end of the release cables.
- Installing the aft cover and aft inner handle.
- Inspecting each middle lever and upper lever locking bolt for correct installation.
- If the door cannot be correctly rigged, inspecting all hardware, guides, and door attachment points for misalignment or bent fittings. Replacing misaligned or bent parts with airworthy parts before operating the door in-flight and re-inspecting.

#### Differences Between This Proposed AD and the EASA AD

This proposed AD would require that the inspections be conducted within 50 hours TIS. The EASA AD requires that the inspections be conducted within 50 hours TIS or 60 days, whichever occurs first after the effective date of the EASA AD.

The EASA AD requires that you contact Eurocopter to determine corrective action, and this proposed AD would not.

The EASA AD requires a repetitive inspection, each time when the installation of the door guides for the jettisonable sliding doors is accomplished. This AD would not

require this repetitive inspection because that is considered normal maintenance.

#### Costs of Compliance

We estimate that this proposed AD would affect 108 helicopters of U.S. Registry and that labor costs average \$85 a work-hour.

- Visually inspecting the door's lock release assembly and the middle and upper levers would require 4 work-hours for a labor cost of \$340 per helicopter. No parts would be needed, so that the total cost for the U.S. fleet would be \$36,720.

- Visually inspecting all hardware, guides and door attachment points for misaligned or bent fittings would require 4 work-hours for a labor cost of \$340 per helicopter. Parts may be needed but on an individual basis, so that the total cost for the U.S. fleet would be at least \$36,720.

#### 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 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, I certify this 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 to the extent that it justifies making a regulatory distinction; 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.

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 airworthiness directive (AD):

**Eurocopter Deutschland GmbH Helicopters (Eurocopter):** Docket No. FAA-2013-0642; Directorate Identifier 2011-SW-035-AD.

##### (a) Applicability

This AD applies to Model MBB-BK 117 C-2 helicopters with a jettisonable main cabin sliding door (door) installed, certificated in any category.

##### (b) Unsafe Condition

This AD defines the unsafe condition as the door detaching uncommanded from the fuselage. This condition could result in the in-flight loss of the door, which could damage the helicopter or cause injury or damage on the ground.

##### (c) Comments Due Date

We must receive comments by September 23, 2013.

##### (d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

##### (e) Required Actions

Within 50 hours time-in-service:

- (1) Visually inspect each door lock release assembly for a frayed cable, a stripped thread on a screw joint, pitting on a door guide, release cable, or associated hardware, and for correct installation by following the Accomplishment Instructions, paragraph 3.B.1. (a) through (c), except (c)(1) and (c)(2),

of Eurocopter Alert Service Bulletin MBB-BK117 C-2-52A-015, Revision 0, dated April 26, 2011 (ASB).

- (i) Replace with an airworthy part any frayed cables, screw joints with stripped threads, or any door guides, release cables, and associated hardware with pitting. Allow for a minimum of one millimeter clearance at each end of the release cables.

- (ii) Install the aft cover and aft inner handle.

- (2) Inspect each middle lever and upper lever locking bolt for correct installation by following the Accomplishment Instructions, paragraphs 3.B.2 and 3.B.3, of the ASB, except that we do not require you to contact Eurocopter.

- (3) If the door cannot be correctly rigged after performing the actions required by paragraph (e)(2), inspect all hardware, guides, and door attachment points for misalignment or bent fittings. Replace misaligned or bent parts with airworthy parts before you operate the door in-flight and re-inspect according to the requirements in paragraph (e)(2).

##### (f) Special Flight Permit

A one-time flight to a maintenance facility is permitted provided that the door is not opened in flight.

##### (g) Alternative Methods of Compliance (AMOCs)

- (1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222-5110; email [matthew.fuller@faa.gov](mailto:matthew.fuller@faa.gov).

- (2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

##### (h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency AD No. 2011-0107, dated June 7, 2011. The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2013-0081, dated March 26, 2013. You may view the EASA AD in the AD docket on the Internet at <http://www.regulations.gov>.

##### (i) Subject

Joint Aircraft Service Component (JASC)  
Code: 5200, Doors.

Issued in Fort Worth, Texas, on July 15, 2013.

##### Kim Smith,

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

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