

## 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:**  
Docket No. FAA-2013-0018; Directorate Identifier 2010-SW-060-AD.

#### (a) Applicability

This AD applies to Model MBB-BK 117 C-2 helicopters with a bevel gear, part number (P/N) 4639 310 065, installed in the tail rotor intermediate gear box (IGB), P/N 4639 002 007, certificated in any category.

#### (b) Unsafe Condition

This AD defines the unsafe condition as failure of a bevel gear, failure of the tail rotor IGB, and subsequent loss of control of the helicopter.

#### (c) 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.

#### (d) Required Actions

Within 30 days, do the following:

(1) Determine if a bevel gear with a serial number (S/N) listed in Table 1 of Eurocopter Alert Service Bulletin MBB BK117 C-2-04A-005, Revision 2, dated April 28, 2010 (ASB), is installed in the IGB.

(i) If a bevel gear listed in Table 1 of the ASB is installed in the IGB, record the reduced life limit of the bevel gear onto the component history card or equivalent record of the IGB.

(ii) If the bevel gear life limit has been reached or is exceeded, before further flight, replace the bevel gear with an airworthy bevel gear.

(2) Revise the Airworthiness Limitations section of the maintenance manual by reducing the retirement life for each IGB bevel gear, P/N 4639 310 065, that has a S/N listed in Table 1 of the ASB to the life limit corresponding to that S/N.

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

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

## (f) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency AD 2010-0096, dated May 25, 2010.

## (g) Subject

Joint Aircraft Service Component (JASC) Code: 6520, Tail Rotor Gearbox.

Issued in Fort Worth, Texas, on January 9, 2013.

**Kim Smith,**

*Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2013-01004 Filed 1-17-13; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

[Docket No. FAA-2012-0962; Directorate Identifier 2012-CE-033-AD]

**RIN 2120-AA64**

### Airworthiness Directives; Cessna Aircraft Company Airplanes

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This document withdraws a Notice of Proposed Rulemaking (NPRM) that would have applied to certain Cessna Aircraft Company Models 172RG, R182, TR182, FR182, 210N, T210N, 210R, T210R, P210N, P210R, and T303 airplanes. The proposed airworthiness directive (AD) would have required you to inspect the aircraft's hydraulic power pack wiring for incorrect installation, and if needed, correct the installation. Since issuance of the NPRM, the FAA has re-evaluated this airworthiness concern and determined that an unsafe condition does not exist that would warrant AD action. This withdrawal does not prevent the FAA from initiating future rulemaking on this subject.

#### FOR FURTHER INFORMATION CONTACT:

Richard Rejniak, Aerospace Engineer, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; phone: (316) 946-4128; fax: (316) 946-4107; email: [richard.rejniak@faa.gov](mailto:richard.rejniak@faa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Discussion

We issued a Notice of Proposed Rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM published in the **Federal Register** on September 11, 2012 (77 FR

55770). That NPRM proposed to require you to inspect the aircraft's hydraulic power pack wiring for incorrect installation, and if needed, correct the installation.

Since issuance of the NPRM, in light of the comments received on the NPRM, the FAA re-evaluated the details that went into the determination of the unsafe condition for this concern. Based on new information discovered during the re-evaluation, we determined that:

- An unsafe condition warranting AD action does not exist; and
- The associated level of risk does not warrant AD action.

To further mitigate this concern from recurring, the FAA may take another airworthiness action such as a special airworthiness information bulletin (SAIB) to recommend the actions contained in the proposed rule and capture potential concerns identified by the public during the comment period.

Withdrawal of this NPRM constitutes only such action and does not preclude the agency from issuing future rulemaking on this issue, nor does it commit the agency to any course of action in the future.

### Regulatory Findings

Since this action only withdraws an NPRM, 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, the notice of proposed rulemaking, Docket No. FAA-2012-0962, published in the **Federal Register** on September 11, 2012 (77 FR 55770), is withdrawn.

Issued in Kansas City, Missouri, on January 14, 2013.

**James Jackson,**

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

[FR Doc. 2013-01000 Filed 1-17-13; 8:45 am]

**BILLING CODE 4910-13-P**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Parts 1, 3, 22, 30 and 140

RIN 3038-AD88

### Extension of Comment Period for the Rulemaking Enhancing Protections Afforded Customers and Customer Funds Held by Futures Commission Merchants and Derivatives Clearing Organizations

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Extension of comment period.

**SUMMARY:** On November 14, 2012, the Commodity Futures Trading Commission ("Commission") published in the **Federal Register** a notice of proposed rulemaking (the "Customer Protection Proposal")<sup>1</sup> to adopt new regulations and amend existing regulations to require enhanced customer protections, risk management programs, internal monitoring and controls, capital and liquidity standards, customer disclosures, and auditing and examination programs for futures commission merchants ("FCMs"). The Customer Protection Proposal also addressed certain related issues concerning derivatives clearing organizations ("DCOs") and chief compliance officers ("CCOs"). In order to provide interested parties with an additional opportunity to comment on the Customer Protection Proposal, the Commission is extending the comment period for the Customer Protection Proposal.

**DATES:** The comment period for the Customer Protection Proposal is extended until February 15, 2013.

**ADDRESSES:** You may submit comments, identified by RIN 3038-AD88, by any of the following methods:

- Agency Web site, via its Comments Online process at <http://comments.cftc.gov>. Follow the instructions for submitting comments through the Web site, and submit all comments through the "submit comment" link associated with this extension.

- *Mail:* Send to Natise Stowe, Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

- *Hand Delivery/Courier:* Same as mail above.

Please submit your comments using only one method.

<sup>1</sup> See Enhancing Protections Afforded Customers and Customer Funds Held by Futures Commission Merchants and Derivatives Clearing Organizations, 77 FR 67866 (Nov. 14, 2012).

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that may be exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations, 17 CFR 145.9.<sup>2</sup>

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <http://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

### FOR FURTHER INFORMATION CONTACT:

Division of Swap Dealer and Intermediary Oversight: Gary Barnett, Director, 202-418-5977, [gbarnett@cftc.gov](mailto:gbarnett@cftc.gov); Thomas Smith, Deputy Director, 202-418-5495, [tsmith@cftc.gov](mailto:tsmith@cftc.gov); Ward P. Griffin, Associate Chief Counsel, 202-418-5425, [wgriffin@cftc.gov](mailto:wgriffin@cftc.gov), Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581; 202-418-5648; or Kevin Piccoli, Deputy Director, 646-746-9834, [kpicolli@cftc.gov](mailto:kpicolli@cftc.gov), 140 Broadway, 19th Floor, New York, NY 10005.

Division of Clearing and Risk: Robert B. Wasserman, Chief Counsel, 202-418-5092, [rwasserman@cftc.gov](mailto:rwasserman@cftc.gov), Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Office of the Chief Economist: Camden Nunery, Economist, [cnunery@cftc.gov](mailto:cnunery@cftc.gov), 202-418-5723, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

### SUPPLEMENTARY INFORMATION:

#### I. Background

The protection of customers—and the safeguarding of money, securities or

<sup>2</sup> Commission regulations referred to herein are found at 17 CFR Ch. 1 (2012). Commission regulations are accessible on the Commission's Web site, [www.cftc.gov](http://www.cftc.gov).