

in the immigration laws; the new process will reduce the movement of the case back and forth between the Department of State and USCIS, which significantly prolongs the overall process and increases the time that U.S. citizens are separated from their immediate family members. The proposed change would affect only when and where certain aliens can apply for waivers of the unlawful presence grounds of inadmissibility; it would not change the extreme hardship standard for evaluating eligibility for the waiver nor would it change whether aliens subject to these grounds of inadmissibility must depart the U.S. to apply for their immigrant visas. USCIS plans to effectuate this proposal through the regulatory process. USCIS will issue a proposed rulemaking that will explain the proposal in further detail and that will invite comment from all interested parties. **Note:** Do not send an application requesting a provisional waiver under the procedures under consideration in this notice. Any application requesting this new process will be rejected and the application package returned to the applicant, including any fees, until a final rule is issued and the change becomes effective.

**Janet Napolitano,**

*Secretary of Homeland Security.*

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**BILLING CODE 9111-97-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2011-0945; Directorate Identifier 2011-NE-18-AD]

**RIN 2120-AA64**

#### Airworthiness Directives; Honeywell International Inc. Turbofan Engines

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products identified above. This proposed AD was prompted by a report of a quality escape of about 8,000 2nd stage low pressure turbine (LPT2) rotor blades, manufactured by Honeywell Chihuahua Manufacturing Operation since 2009. This proposed AD would require removing and inspecting certain LPT2 rotor blades. During LPT rotor

acceleration, these blades may contact and damage the 3rd stage LPT (LPT3) nozzle seal carrier, which may subsequently fatigue and contact the adjacent rotor and damage the rotor. Also, these blades could deform the blade retainers, which could lead to blade movement that may cause rotor damage. We are proposing this AD to correct an unsafe condition caused by these blades installed on these engines.

**DATES:** We must receive comments on this proposed AD by March 9, 2012.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, 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:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Honeywell International Inc., 111 S. 34th Street, Phoenix, AZ 85034-2802; web site: <http://portal.honeywell.com>; or call Honeywell toll free at phone: (800) 601-3099 (U.S./Canada) or (602) 365-3099 (International Direct). You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-7125.

#### Examining the AD Docket

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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712-4137; phone: (562) 627-5246; fax: (562) 627-5210; email: [joseph.costa@faa.gov](mailto:joseph.costa@faa.gov).

## SUPPLEMENTARY INFORMATION:

### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2011-0945; Directorate Identifier 2011-NE-18-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 because of 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

During a routine replacement of LPT2 rotor blades, part numbers (P/Ns) 3075424-2 and 3075424-3, the new LPT2 rotor blades, P/Ns 3075424-2 and 3075424-3, were seen to have aft discouragers that were approximately 0.020 inch (0.51 mm) longer than the existing LPT2 rotor blades, P/Ns 3075424-2 and 3075424-3. Further investigation revealed that the aft discouragers of the new LPT2 rotor blades, P/Ns 3075424-2 and 3075424-3, did not meet the type design requirements. That investigation also found that only LPT2 rotor blades P/Ns 3075424-2 and 3075424-3, manufactured from specific machining lots, are affected. P/N 3075424-2 suspect lots were manufactured between March 2009 and September 2010, inclusive. P/N 3075424-3 suspect lots were manufactured between July 2010 and September 2010, inclusive.

During LPT rotor acceleration, these blades may contact and damage the LPT3 nozzle seal carrier, which may subsequently fatigue and contact the adjacent rotor and damage the rotor. Also, these blades could deform the blade retainers, which could lead to blade movement that may cause rotor damage.

We have not received any reports of engine in-flight shutdowns due to these blades being in service.

These blades may damage the rotor. This condition, if not corrected, could result in damage to these blades installed on these engines.

## Relevant Service Information

Honeywell International Inc. Service Bulletin (SB) TFE731-72-5221, Revision 0, dated November 11, 2010 describes procedures for determining affected engine serial numbers (S/Ns) and machining lot of affected LPT2 rotor blades.

## FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

## Proposed AD Requirements

This proposed AD would require removing and inspecting suspect LPT2 rotor blades:

- At the next major periodic inspection, not to exceed 3,000 hours time-since-new, or
- Five years after the effective date of this proposed AD, or
- When the LPT module is disassembled.

## Costs of Compliance

We estimate that this proposed AD would affect 3,000 engines installed on airplanes of U.S. registry. We also estimate that it would take about 1 work-hour per engine to perform the record review, and that the average labor rate is \$85 per work-hour. For an estimated 500 engines with discrepant blades, blade rework cost was estimated at \$2,380 per engine with a replacement parts cost about \$1,100 per engine. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be \$1,430,100.

## 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 above, 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, 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 adding the following new airworthiness directive (AD):

**Honeywell International Inc. (Formerly Allied Signal Inc. and Garrett Turbine Engine Company):** Docket No. FAA-2011-0945; Directorate Identifier 2011-NE-18-AD.

### (a) Comments Due Date

We must receive comments by March 9, 2012.

### (b) Affected ADs

None.

### (c) Applicability

(1) This AD applies to Honeywell International Inc. TFE731-20R, -20AR, -20BR, -40, -40AR, -40R, -50R, and -60 turbofan engines.

(i) With an engine model number and serial number (S/N) listed in Table 4 of Honeywell Service Bulletin (SB) TFE731-72-5221, Revision 0, dated November 11, 2010, or

(ii) With 2nd stage low pressure turbine (LPT2) rotor assembly part numbers (P/Ns) 3060608-2, 3060608-3, or 3060608-5 that had any LPT2 rotor blades P/N 3075424-2 replaced between March 2009 and September 2010, inclusive, or that had any LPT2 rotor blades P/N 3075424-3 replaced between July 2010 and September 2010, inclusive.

### (d) Unsafe Condition

This AD was prompted by a report of a quality escape of about 8,000 LPT2 rotor blades, manufactured by Honeywell Chihuahua Manufacturing Operation since 2009. During LPT rotor acceleration, these blades may contact and damage the 3rd stage LPT (LPT3) nozzle seal carrier that may subsequently fatigue and contact the adjacent rotor and damage the rotor. Also, these blades could deform the blade retainers, which could lead to blade movement that may cause rotor damage. We are issuing this AD to correct the unsafe condition caused by these blades installed on these engines.

### (e) Compliance

Comply with this AD within the compliance times specified, unless already done.

### (f) Remove LPT2 Rotor Blades

(1) At the next major periodic inspection, not to exceed 3,000 hours time-since-new, or within 5 years after the effective date of this AD, or at the next access, whichever occurs first, do the following using Section 3.0, Accomplishment Instructions, of Honeywell SB TFE731-72-5221, Revision 0, dated November 11, 2010:

- (i) Remove any suspect LPT2 rotor blades from service.
- (ii) Inspect suspect LPT2 rotor blades.

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

The Manager, Los Angeles Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

### (h) Definitions

For purposes of this AD, next access is defined as when the LPT module is disassembled.

### (i) Related Information

(1) For more information about this AD, contact Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd. Lakewood, CA 90712-4137; phone: (562) 627-5246; fax: (562) 627-5210; email: joseph.costa@faa.gov.

(2) For service information identified in this AD, contact Honeywell International Inc., 111 S. 34th Street, Phoenix, AZ 85034-2802; Web site: <http://portal.honeywell.com>; or call Honeywell toll free at phone: (800) 601-3099 (U.S./Canada) or (602) 365-3099 (International Direct). You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-7125.

Issued in Burlington, Massachusetts, on December 29, 2011.

**Peter A. White,**

*Manager, Engine & Propeller Directorate,  
Aircraft Certification Service.*

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 111104664-1798-01]

**RIN 0648-BB61**

#### **Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fisheries of the Gulf of Mexico and South Atlantic; Revisions of Bycatch Reduction Device Testing Protocols**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** In accordance with the framework procedures for adjusting management measures of the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (Gulf FMP) and the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (South Atlantic FMP), this rule would certify two new bycatch reduction devices (BRDs) for use in the Gulf of Mexico (Gulf) and South Atlantic shrimp fisheries, and revise a harvesting restriction for shrimp vessels fishing in Federal waters of the Gulf. Both BRDs represent modifications to the Composite Panel BRD, which is provisionally certified through May 24, 2012. This rule would incorporate these BRDs to the list of allowable BRDs, and provide technical specifications for the construction and subsequent legal enforcement of these BRDs. Additionally, this rule would revise the shrimp effort reduction threshold for the Gulf shrimp fishery. The intended effect of this proposed rule is to improve bycatch reduction efforts in the Gulf and South Atlantic shrimp fisheries, provide greater flexibility to the industry, reduce the social and economic impacts to fishing communities, and meet the requirements of National Standard 9 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Written comments must be received on or before February 8, 2012.

**ADDRESSES:** You may submit comments, identified by NOAA-NMFS-2011-0274, by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal <http://www.regulations.gov>.

- **Mail:** Steve Branstetter, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

**Instructions:** No comments will be posted for public viewing until after the comment period has closed. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

To submit comments through the Federal e-Rulemaking Portal at <http://www.regulations.gov>, enter "NOAA-NMFS-2011-0274" in the keyword search, then select "Send a Comment or Submission." NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, Wordperfect, or Adobe PDF file formats only.

Comments received through means not specified in this rule will not be considered.

#### **FOR FURTHER INFORMATION CONTACT:**

Steve Branstetter, telephone: (727) 824-5305, fax: (727) 824-5308, email: [Steve.Branstetter@noaa.gov](mailto:Steve.Branstetter@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The shrimp fishery in the exclusive economic zone (EEZ) of the Gulf is managed under the Gulf FMP prepared by the Gulf of Mexico Fishery Management Council (Gulf Council), and the shrimp fishery in the EEZ of the South Atlantic is managed under the South Atlantic FMP prepared by the South Atlantic Fishery Management Council (South Atlantic Council). The Gulf and South Atlantic FMPs are implemented under the authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622.

#### **Management Measures Contained in This Proposed Rule**

This rule would certify two new BRDs for use in the Gulf and South Atlantic shrimp fisheries, and revise a harvesting restriction for shrimp vessels fishing in Federal waters of the Gulf.

#### **BRD Certifications**

BRDs are modifications to trawl nets that limit the amount of non-targeted species caught during a fishing trip.

Federal regulations require BRDs to be installed in shrimp trawls in nearly all southeastern shrimp fisheries conducted in Federal waters. The South Atlantic Council established this requirement in 1997 (April 16, 1997, 62 FR 18536). Similar requirements were established by the Gulf Council in 1998 for the western Gulf (April 14, 1998, 63 FR 18139), and in 2004 for the eastern Gulf (January 9, 2004, 69 FR 1538).

In 2008, NMFS published a final rule (February 13, 2008, 73 FR 8219) establishing a standardized criterion by which all BRDs are certified for use in the southeastern shrimp fisheries. To be certified for use in the fisheries, data collected under a standardized sampling procedure must demonstrate a BRD candidate reduces finfish biomass by at least 30 percent. To ensure the statistical certainty in regard to the sample mean value, under a Bayesian approach, the result must meet two probability statements:

1. "There is a 50 percent probability the true reduction rate meets the bycatch reduction criterion," and
2. "There is no more than a 10 percent probability the true reduction rate is more than 5 percent less than the bycatch reduction criterion."

In addition, NMFS established a provisional certification status that applies to a BRD candidate not quite meeting the criteria for certification. A BRD provisional certification is effective for 2 years from the date of a publication in the **Federal Register** originally announcing the provisional certification. This time period is intended to allow additional wide-scale industry evaluation of the BRD candidate. The intent is to also further refine the design or application of the BRD candidate so it can eventually meet the certification criterion with greater certainty. To be provisionally certified, statistical analyses of the test results for a BRD candidate must demonstrate:

There is at least a 50 percent probability the true reduction rate of the BRD candidate is no more than 5 percent less than the bycatch reduction criterion (*i.e.*, the BRD candidate demonstrates a best point estimate [sample mean] of 25 percent or greater for finfish bycatch reduction).

In 2008, NMFS published a final rule (February 13, 2008, 73 FR 8219) which provisionally certified the Composite Panel BRD for use in Federal waters throughout the Gulf and South Atlantic. The initial test data for this BRD indicated there is a 52 percent probability the true reduction rate of this BRD design is at least 25 percent.

The provisional certification of the Composite Panel BRD in the Gulf and South Atlantic, along with the