

12,000 flight hours or 4,400 flight cycles, whichever occurs first.

(1) At the latest of the times specified in paragraph (g)(1)(i), (g)(1)(ii), or (g)(1)(iii) of this AD.

(i) Within 12,000 flight hours since the airplane's first flight; or

(ii) Within 12,000 flight hours since the most recent THSA ballscrew shaft integrity test was done as specified in maintenance review board report (MRBR) Task 274000-12; or

(iii) Within 12,000 flight hours since the most recent THSA ballscrew shaft integrity test was done, as specified in Airbus Mandatory Service Bulletin A330-27-3179 or Airbus Mandatory Service Bulletin A340-27-4175, as applicable. (These service bulletins specify testing in case of type II or type III findings).

(2) Within 1,000 flight hours after the effective date of this AD, but without exceeding the latest of the times specified in paragraphs (g)(2)(i), (g)(2)(ii), or (g)(2)(iii) of this AD.

(i) 16,000 flight hours since the airplane's first flight.

(ii) 16,000 flight hours since the most recent THSA ballscrew shaft integrity test was done, as specified in MRBR task 274000-12.

(iii) 16,000 flight hours since the most recent THSA ballscrew shaft integrity test was done, as specified in Airbus Mandatory Service Bulletin A330-27-3179, or Airbus Mandatory Service Bulletin A340-27-4175, as applicable. (These service bulletins specify testing in case of type II or type III findings).

(h) Replacement

If the result from any test required by paragraph (g) of this AD is not correct, as specified in the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330-27-3191, dated June 7, 2012; or Airbus Mandatory Service Bulletin A340-27-4186, dated June 7, 2012; as applicable: Before further flight, replace the THSA with a serviceable THSA, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330-27-3191, dated June 7, 2012; or Airbus Mandatory Service Bulletin A340-27-4186, dated June 7, 2012; as applicable. Replacement of a THSA, as required by this paragraph, with a THSA having P/N 47147-500 or P/N 47147-700, is not terminating action for the repetitive tests required by paragraph (g) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM-116, Transport

Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone (425) 227-1138; fax (425) 227-1149. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product*: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2012-0210, dated October 11, 2012, and the service bulletins specified in paragraphs (j)(1)(i) and (j)(1)(ii) of this AD, for related information.

(i) Airbus Mandatory Service Bulletin A330-27-3191, dated June 7, 2012.

(ii) Airbus Mandatory Service Bulletin A340-27-4186, dated June 7, 2012.

(2) For service information identified in this AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email airworthiness.A330-A340@airbus.com; Internet <http://www.airbus.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on April 23, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013-10366 Filed 5-1-13; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2013-0360; Directorate Identifier 2013-NM-033-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD)

that applies to all Airbus Model A318, A319, A320, and A321 series airplanes. The existing AD currently requires revising the airplane flight manual (AFM) to advise the flightcrew of emergency procedures for addressing angle of attack (AoA) sensor blockage. The existing AD also provides for optional terminating action for the AFM revision, which involves replacing AoA sensor conic plates with AoA sensor flat plates. Since we issued that AD, we have determined that the replacement of AoA sensor conic plates is necessary to address the identified unsafe condition. This proposed AD would mandate the installation of AoA sensor flat plates and removal of the AFM revision. We are proposing this AD to prevent reduced control of the airplane.

DATES: We must receive comments on this proposed AD by June 17, 2013.

ADDRESSES: You may send comments 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*: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email account.airworth-eas@airbus.com; Internet <http://www.airbus.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

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 regulatory 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 FURTHER INFORMATION CONTACT:

Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone (425) 227-1405; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2013-0360; Directorate Identifier 2013-NM-033-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 based on 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

On December 27, 2012, we issued AD 2012-26-51, Amendment 39-17312 (78 FR 1723, January 9, 2013). That AD required actions intended to address an unsafe condition on all Airbus Model A318, A319, A320, and A321 series airplanes.

Since we issued AD 2012-26-51, Amendment 39-17312 (78 FR 1723, January 9, 2013), we have determined that the replacement of the AoA sensor conic plates with flat plates is necessary to address the identified unsafe condition. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013-0022, dated February 1, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Recently, an Airbus A330 aeroplane equipped with Angle of Attack (AoA) sensors with conic plates installed, experienced blockage of all sensors during climb, leading to autopilot disconnection and activation of the alpha protection (Alpha Prot) when Mach number was increased.

Based on the results of the subsequent analysis, it is suspected that these conic plates may have contributed to the event.

Investigations are on-going to determine what caused the blockage of these AoA sensors.

Blockage of two or three AoA sensors at the same angle may cause the Alpha Prot of the normal law to activate. Under normal flight conditions (in normal law), if the Alpha Prot activates and Mach number increases, the flight control laws order a pitch down of the aeroplane that the flight crew may be unable to counteract with a side stick deflection, even in the full backward position.

This condition, if not corrected, could result in reduced control of the aeroplane.

AoA conic plates of similar design are also installed on A320 family aeroplanes, and installation of these AoA sensor conic plates was required by EASA AD 2012-0236, making reference to Airbus Service Bulletin (SB) A320-34-1521 for in-service modification.

That requirement was deleted by EASA AD 2012-0236R1.

To address this potential unsafe condition on A320 family aeroplanes, Airbus developed an "AOA Blocked" emergency procedure, published as a temporary revision (TR) of the Airplane Flight Manual (AFM), to ensure that flight crews, in case of AoA sensors blockage, apply the applicable emergency procedure.

Consequently, EASA issued Emergency AD 2012-0264-E [which corresponds to FAA AD 2012-26-51, Amendment 39-17312 (78 FR 1723, January 9, 2013)] to require amendment of the AFM by incorporating the Airbus TR.

Since that [EASA] AD was issued, Airbus published approved instructions to re-install AoA sensor flat plates on A320 family aeroplanes.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2012-0264-E which is superseded, and requires installation of AoA sensor flat plates, after which the AFM operational procedure can be removed.

You may obtain further information by examining the MCAI in the AD docket.

In AD 2012-26-51, Amendment 39-17312 (78 FR 1723, January 9, 2013), we determined that the AFM operational procedure specified in Airbus A318/A319/A320/A321 Temporary Revision TR286, Issue 1.0, dated December 17, 2012, mitigates risks associated with installation of conic plates. This proposed AD would require installation of flat plates to address the identified unsafe condition. After analysis of the safety benefit of the AFM operational procedure, we determined that the previously mandated AFM operational procedure must be removed after replacement of the conic plates with flat plates.

Paragraph (h) of AD 2012-26-51, Amendment 39-17312 (78 FR 1723, January 9, 2013), only specifies that Airbus A318/A319/A320/A321 Temporary Revision TR286, Issue 1.0, dated December 17, 2012, may be removed after accomplishing the modification (installation of flat plates).

Therefore, we have revised paragraph (h) of this proposed AD to require that after the modification for an airplane has been done, Airbus A318/A319/A320/A321 Temporary Revision TR286, Issue 1.0, dated December 17, 2012, must be removed before further flight. For airplanes on which the modification has already been done, we have allowed a compliance time of "within 5 days after the effective date of this AD" for accomplishing the removal.

Relevant Service Information

Airbus has issued Mandatory Service Bulletin A320-34-1564, including Appendix 01, dated January 25, 2013. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 100 products of U.S. registry.

The actions that are required by AD 2012-26-51, Amendment 39-17312 (78 FR 1723, January 9, 2013), and retained in this proposed AD take about 1 work-hour per product, at an average labor rate of \$85 per work hour. Based on these figures, the estimated cost of the currently required actions is \$85 per product.

We estimate that it would take about 7 work-hours per product to comply with the new basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. We have received no definitive data that would enable us to provide part cost estimates. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the

proposed AD on U.S. operators to be \$59,500, or \$595 per product.

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.

We prepared a regulatory 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 removing airworthiness directive (AD) 2012–26–51, Amendment 39–17312 (78 FR 1723, January 9, 2013), and adding the following new AD:

Airbus: Docket No. FAA–2013–0360; Directorate Identifier 2013–NM–033–AD.

(a) Comments Due Date

We must receive comments by June 17, 2013.

(b) Affected ADs

This AD supersedes AD 2012–26–51, Amendment 39–17312 (78 FR 1723, January 9, 2013).

(c) Applicability

This AD applies to the Airbus airplanes listed in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

- (1) Airbus Model A318–111, –112, –121, and –122 airplanes.
- (2) Airbus Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.
- (3) Airbus Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes.
- (4) Airbus Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 34, Navigation.

(e) Reason

This AD was prompted by a determination that replacement of angle of attack (AoA) sensor conic plates is necessary to address the identified unsafe condition. We are issuing this AD to prevent reduced control of the airplane.

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Retained Airplane Flight Manual Revision With New Exception

This paragraph restates the requirements of paragraph (g) of AD 2012–26–51, Amendment 39–17312 (78 FR 1723, January 9, 2013), with a new exception. Except as specified in paragraph (k) of this AD, for airplanes on which an AoA sensor conic plate is installed in production by Airbus modification 153213 or 153214, or in-service as specified in Airbus Mandatory Service Bulletin A320–34–1521, dated May 7, 2012; or Revision 01, dated September 12, 2012: Within 5 days after January 24, 2013 (the effective date of AD 2012–26–51), revise the Emergency Procedures of the Airbus A318/A319/A320/A321 Airplane Flight Manual (AFM) by inserting Airbus A318/A319/A320/

A321 Temporary Revision (TR) TR286, Issue 1.0, dated December 17, 2012, to advise the flightcrew of emergency procedures for addressing AoA sensor blockage. When the information in Airbus A318/A319/A320/A321 Temporary Revision TR286, Issue 1.0, dated December 17, 2012, is included in the general revisions of the AFM, the general revisions may be inserted in the AFM, and the TR may be removed. Accomplishment of the new flat plate installation required by paragraph (j) of this AD terminates the actions required by this paragraph; and after the installation of new flat plates has been done, Airbus A318/A319/A320/A321 Temporary Revision TR286, Issue 1.0, dated December 17, 2012, must be removed from the AFM before further flight.

(h) Retained Optional Terminating Action With Revised TR Removal Requirement

This paragraph restates the requirements of paragraph (h) of AD 2012–26–51, Amendment 39–17312 (78 FR 1723, January 9, 2013), with a revised TR removal requirement. Modification of an airplane by replacing AoA sensor conic plates with AoA sensor flat plates, in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, constitutes terminating action for the AFM revision required by paragraph (g) of this AD; and after the modification has been done, Airbus A318/A319/A320/A321 Temporary Revision TR286, Issue 1.0, dated December 17, 2012, must be removed from the AFM before further flight, except for airplanes on which the modification has been done before the effective date of this AD. For airplanes on which the modification has been done before the effective date of this AD, Airbus A318/A319/A320/A321 Temporary Revision TR286, Issue 1.0, dated December 17, 2012, must be removed from the AFM within 5 days after the effective date of this AD. Accomplishment of the actions required by paragraphs (j) and (l) of this AD terminate the actions specified in this paragraph.

(i) Retained Parts Installation Prohibition

This paragraph restates the requirements of paragraph (i) of AD 2012–26–51, Amendment 39–17312 (78 FR 1723, January 9, 2013). As of January 24, 2013 (the effective date of AD 2012–26–51), no person may install an AoA sensor conic plate in service using Airbus Mandatory Service Bulletin A320–34–1521, dated May 7, 2012; or Revision 01, dated September 12, 2012; on any airplane.

(j) New Flat Plate Installation

Within 5 months after the effective date of this AD, remove all AoA sensor conic plates having part number (P/N) F3411060200000 or P/N F3411060900000 and install AoA sensor flat plates having part numbers specified in paragraph (j)(1) or (j)(2) of this AD, except as specified in paragraph (k) of this AD. Install the AoA sensor plates in accordance with the applicable method specified in paragraph (j)(1) or (j)(2) of this AD. Accomplishment of the AoA sensor flat plate installation terminates the AFM revision required by paragraph (g) of this AD; and after accomplishing the installation, the

actions specified in paragraph (l) of this AD must be done.

(1) Install P/N D3411013520200 in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320-34-1564, including Appendix 01, dated January 25, 2013.

(2) Install P/N D3411007620000 or P/N D3411013520000, in accordance with a method approved by either the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent).

(k) New Exception to Paragraphs (g) and (j) of This AD

An airplane on which Airbus modification 154863 (installation of AOA sensor flat plate) and modification 154864 (coating protection) have been embodied in production is not affected by the requirements of paragraph (g) or (j) of this AD, provided that, since first flight, no AoA sensor conic plate having P/N F3411060200000 or P/N F3411060900000 has been installed on that airplane.

(l) New Removal of AFM Revision

After modification of an airplane as required by paragraph (j) of this AD, Airbus A318/A319/A320/A321 Temporary Revision TR286, Issue 1.0, dated December 17, 2012, that was inserted into the Airbus A318/A319/A320/A321 AFM as required by paragraph (g) of this AD is no longer required and must be removed from the AFM of that airplane before further flight.

(m) New Parts Installation Prohibition

(1) As of the effective date of this AD, for any airplane that has AoA sensor flat plates installed: As of the effective date of this AD, do not install any AoA sensor conic plate having P/N F3411060200000 or P/N F3411060900000, and do not use any AoA protection cover having P/N 98D34203003000.

(2) For any airplane that has AoA sensor conic plates installed: As of the effective date of this AD, after modification of the airplane as required by paragraph (j) of this AD, do not install any AoA sensor conic plate having P/N F3411060200000 or P/N F3411060900000, and do not use any AoA protection cover having P/N 98D34203003000.

(n) Special Flight Permits

Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the airplane can be modified (if the operator elects to do so), provided Airbus A318/A319/A320/A321 Temporary Revision TR286, Issue 1.0, dated December 17, 2012, has been inserted into the Emergency Procedures of the Airbus A318/A319/A320/A321 AFM.

(o) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Branch, ANM-116, Transport Airplane

Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone (425) 227-1405; fax (425) 227-1149. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product*: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(p) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013-0022, dated February 1, 2013; Airbus Mandatory Service Bulletin A320-34-1564, including Appendix 01, dated January 25, 2013; and Airbus A318/A319/A320/A321 Temporary Revision TR286, Issue 1.0, dated December 17, 2012.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email account.airworth-eas@airbus.com; Internet <http://www.airbus.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on April 23, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013-10361 Filed 5-1-13; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF STATE

22 CFR Part 62

[Public Notice 8308]

RIN 1400-AC60

Exchange Visitor Program—Teachers

AGENCY: Department of State.

ACTION: Proposed rule with request for comment.

SUMMARY: The Department is amending existing regulations governing the teacher category of the Exchange Visitor Program. The proposed amendments clarify the duration of program participation; amend eligibility requirements with respect to verifying English proficiency; and reduce the required teaching or related experience from three years to the equivalent of two years full-time teaching experience; introduce a required cultural component; and propose the implementation of a two-year bar for repeat participation to foster the purpose of the Mutual Educational and Cultural Exchange Act of 1961, (“Fulbright-Hays Act”). These proposed changes will enhance the integrity and programmatic effectiveness of the teacher category.

DATES: The Department will accept comments on the proposed regulation from the public up to July 1, 2013.

ADDRESSES: You may submit comments identified by any of the following methods:

- Persons with access to the Internet may also view this notice and provide comments by going to the regulations.gov Web site at: <http://www.regulations.gov/index.cfm> and searching for the RIN (1400-AC60)

- *Mail (paper, disk, or CD-ROM submissions)*: U.S. Department of State, Office of Private Sector Exchange, SA-5, Floor 5, 2200 C Street NW., Washington, DC 20522-0505.

- *Email*: JExchanges@state.gov. You must include the RIN (1400-AC60) in the subject line of your message.

FOR FURTHER INFORMATION CONTACT:

Robin J. Lerner, Deputy Assistant Secretary for Private Sector Exchange, U.S. Department of State, SA-5, Floor 5, 2200 C Street NW., Washington, DC 20522-0505; telephone: (202) 632-2805; fax (202) 632-2701.

SUMMARY: *Statement of Need.* In recent years, the teacher exchange program has been used by some sponsors in a manner that falls outside the original intent of the program. Occasionally, it has been used to fill a labor need in U.S. public and private schools rather than to further a cultural exchange. The Department has identified issues regarding job placements, wages and hours, and is of the opinion that the program lacks a cultural component necessary for the program to be consistent with the Mutual Educational and Cultural Exchange Act of 1961, as amended. In addition, the substance of this rule has been informed by analysis