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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Doc. No. AMS–FV–12–0014; FV12–985–2 FR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Change to Administrative Rules Regarding the Transfer and Storage of Excess Spearmint Oil

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the administrative rules prescribed under the marketing order regulating the handling of spearmint oil produced in the Far West. The marketing order is administered locally by the Spearmint Oil Administrative Committee (Committee). This rule changes the date by which a producer must transfer excess spearmint oil to another producer, or deliver such oil to the Committee or its designees for storage, from November 1 to December 1. This rule also changes the date that the Committee must pool identified excess oil as reserve oil from November 1 to December 1. The changes are a relaxation of the handling regulations and are expected to benefit producers, handlers, and consumers.

DATES: Effective March 13, 2013.

FOR FURTHER INFORMATION CONTACT: Barry Broadbent, Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *Barry.Broadbent@ams.usda.gov* or *GaryD.Olson@ams.usda.gov*.

Small businesses may request information on complying with this regulation by contacting Laurel May, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Laurel.May@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 985 (7 CFR part 985), as amended, regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This final rule revises the administrative rules prescribed under the order. This rule changes the date by which a producer must transfer excess spearmint oil to another producer, or deliver such oil to the Committee or its designees for storage, from November 1 to December 1. This rule also changes the date that the Committee must pool identified excess oil as reserve oil from November 1 to December 1. The changes were unanimously recommended at a February 22, 2012, meeting of the full Committee.

Section 985.56(a) of the spearmint order specifies that before October 15, or such other date as the Committee with the approval of the Secretary may establish, a producer, following notification of the Committee, may transfer excess oil to another producer to fill a deficiency in that producer's annual allotment. In addition, § 985.56(b) specifies that before November 1, or such other date as the Committee with the approval of the Secretary may establish, excess oil not used to fill another producer's deficiency shall be delivered to the Committee or its designees for storage. Section 985.57(a) provides that on November 1, or such other date as the Committee with the approval of the Secretary may establish, the Committee shall pool identified excess oil as reserve oil in such manner as to accurately account for its receipt, storage, and disposition.

In a rule published on October 30, 1980 (45 FR 71759), § 985.156 was added to the order's administrative rules and regulations, effectively changing the date by which the transfer of excess oil between producers to fill deficiencies must be completed from October 15 to November 1.

At the February 22, 2012, meeting, the Committee unanimously recommended changing the date by which all transfers of excess oil between producers, to fill deficiencies, must be completed from November 1 to December 1. In addition, the Committee recommended changing the date by which all excess oil not used to fill another producer's deficiency must be delivered to the Committee or its designees for storage from November 1 to December 1. Lastly, the Committee recommended changing the date that the Committee must pool identified excess oil as reserve oil from November 1 to December 1.

In its deliberations, the Committee commented that a number of factors have contributed to the need to establish later dates for the transfer, storage, and reserve pooling of excess oil. The largest factor driving the recommended change is the shift towards harvesting spearmint oil later in the year. Historically, the harvest of spearmint oil has concluded by the end of September.

However, in recent years, many producers have extended the harvest of spearmint oil into the middle of October. This current trend towards harvesting later into the year has been facilitated by advances in the equipment, technology, and cultural practices employed by spearmint producers. While extending harvest further into October has benefited producers, it has also made the identification and transfer of excess oil prior to the current November 1 deadline increasingly difficult.

In addition, after harvest is complete, many producers now deliver their spearmint to a handler to remove excess water from the spearmint oil in order to derive a ''dewatered'' net quantity of oil produced. This dewatering process can take up to several weeks to complete, further tightening the timeframe that spearmint producers must operate under to meet the current volume regulation deadlines.

Lastly, many spearmint oil producers have diversified their farming operations and are typically involved in the harvest of other late-bearing crops during the month of October. These producers may be preoccupied with their other farm obligations and may not have the time to review their spearmint production, ensure all paperwork is in order, make marketing decisions, and execute any transfers of excess oil prior to the current November 1 deadline.

The Committee staff must account for all of the production, transfer, sale, and reserve pooling of spearmint oil before an accurate determination of the statistics can be compiled for the marketing year. The Committee believes that extending the deadline by which producers must transfer or store their excess oil, and that the Committee must pool identified excess oil, from November 1 to December 1 will have minimal impact on the Committee staff's ability to perform their required functions in a timely manner.

The changes are expected to benefit producers, handlers, and consumers of spearmint oil by ensuring that all spearmint oil eligible to enter the market under volume regulation is actually available to the market.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are 8 spearmint oil handlers subject to regulation under the order. In addition, there are approximately 32 producers of Scotch spearmint oil and approximately 88 producers of Native spearmint oil in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000. (13 CFR 121.201)

Based on the SBA's definition of small entities, the Committee estimates that two of the eight handlers regulated by the order could be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 15 of the 32 Scotch spearmint oil producers and 26 of the 88 Native spearmint oil producers could be classified as small entities under the SBA definition. Thus, a majority of handlers and producers of Far West spearmint oil may not be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity and whose income from farming operations is not exclusively dependent on the production of spearmint oil. A typical spearmint oil-producing operation has enough acreage for rotation such that the total acreage required to produce the crop is about one-third spearmint and two-thirds rotational crops. Thus, the typical spearmint oil producer has to have considerably more acreage than is planted to spearmint during any given season. Crop rotation is an essential cultural practice in the production of spearmint oil for weed, insect, and disease control. To remain economically viable with the added costs associated with spearmint oil production, most spearmint oil-producing farms fall into the SBA category of large businesses.

Small spearmint oil producers generally are not as extensively diversified as larger ones and as such are more at risk to market fluctuations. Such small producers generally need to market their entire annual crop and do not have the luxury of having other crops to cushion seasons with poor spearmint oil returns. Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because income from alternate crops could support the operation for a period of time. Being reasonably assured of a stable price and market provides small producing entities with the ability to maintain proper cash flow and to meet annual expenses. Thus, the market and price stability provided by the order potentially benefit the small producer more than such provisions benefit large producers.

This final rule changes the date by which transfers of excess spearmint oil between producers to fill deficiencies in annual allotments must be completed from November 1 to December 1. This rule also changes the date by which all excess oil not used to fill deficiencies must be transferred to the Committee for storage from November 1 to December 1. Lastly, this rule extends the date that the Committee must pool identified excess oil as reserve oil from November 1 to December 1.

The Committee recommended extending the dates to give producers more time to assess the quantity of spearmint oil they produced relative to their annual allotment, to determine if there is a deficiency or an excess of such oil, and to make decisions regarding any transfers of oil. This action is expected to benefit producers, handlers, and consumers by ensuring that the market is adequately supplied with spearmint oil. The authority for this action is provided in §§ 985.56 and 985.57 of the order.

At the February 22, 2012, meeting, the Committee discussed the impact of these changes on handlers and producers. This action is a relaxation of the current handling regulation, allowing an additional 30 days for industry participants to fully supply the market with the total amount of spearmint oil allotted under the volume regulation provisions of the order. The benefits of this rule are not expected to be disproportionately greater or less for small handlers or producers than for larger entities.

The Committee discussed alternatives to these changes, including making no changes at all, changing the dates but keeping them within the month of November, and extending the dates further into December or into January. The Committee thought that maintaining the dates in the current regulations would not be responsive to the changing production practices of the industry. In addition, they felt that the dates should be extended at least 30

days for the change to be meaningful. However, the Committee believed that extending the dates any further than the proposed dates would affect the Committee's ability to establish accurate reports for the completed harvest season in a timely manner. The Committee members unanimously agreed that changing the dates for transferring, storing, and pooling excess oil from November 1 to December 1 addresses the industry's current needs without negatively impacting the operation of the Committee.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This final rule changes the date by which excess oil must be transferred between producers to fill annual allotment deficiencies or delivered to the Committee or its designees for storage from November 1 to December 1. In addition, the rule changes the date the Committee must pool identified excess oil as reserve oil from November 1 to December 1. This rule is a relaxation of the volume regulation provisions of the order. Accordingly, this rule does not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers or handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Furthermore, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In addition, the Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the February 22, 2012, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

A proposed rule concerning this action was published in the **Federal Register** on September 17, 2012 (77 FR 57037). Copies of the rule were provided to the Committee, which in turn made it available to all Far West spearmint oil producers, handlers, and interested persons. Finally, the rule was made available through the Internet by USDA and the Office of the Federal Register. A 60-day comment period ending November 16, 2012, was provided to allow interested persons to respond to the proposal.

Two comments were received during the comment period in response to the proposal. One of the comments was in support of the proposed changes, while the other was not substantive in nature and did not address the merits of the proposal. The commenter in support of the action believes that the proposed changes would be beneficial to the industry and would facilitate the orderly marketing of spearmint oil. Accordingly, no changes will be made to the rule, as proposed, based on the comments received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Laurel May at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

■ 1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Revise § 985.156 to read as follows:

§ 985.156 Transfer of excess oil by producers.

(a) Pursuant to § 985.56(a), before December 1 of each marketing year, a producer, following notification of the Committee, may transfer excess oil to another producer to enable that producer to fill a deficiency in that producer's annual allotment.

(b) Pursuant to § 985.56(b), before December 1 of each marketing year, excess oil not used to fill another producer's deficiency shall be delivered to the Committee or its designees for storage.

■ 3. Add § 985.157 to read as follows:

§ 985.157 Reserve pool requirements.

Pursuant to § 985.57(a), on December 1, the Committee shall pool identified excess oil as reserve oil in such manner as to accurately account for its receipt, storage, and disposition.

Dated: February 5, 2013.

David R. Shipman,

Administrator, Agricultural Marketing Service.

[FR Doc. 2013–02972 Filed 2–8–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. APHIS–2008–0112]

RIN 0579–AD31

Importation of Horses From Contagious Equine Metritis-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are adopting as a final rule, with changes, an interim rule that amended the regulations regarding the importation of horses from countries affected with contagious equine metritis (CEM) by incorporating an additional certification requirement for imported horses 731 days of age or less and adding new testing protocols for test mares and imported stallions and mares more than 731 days of age. This document revises certain CEM-testing requirements for imported stallions and mares, and for test mares, that were amended in the interim rule. The interim rule was necessary to provide additional safeguards against the introduction of CEM through the importation of affected horses.

DATES: *Effective Date:* March 13, 2013.

FOR FURTHER INFORMATION CONTACT: Dr. Ellen Buck, Senior Staff Veterinarian, Equine Imports, National Center for Import and Export, VS, APHIS, 4700

River Road Unit 36, Riverdale, MD 20737–1231; (301) 851–3361.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 93 (referred to below as the regulations) prohibit or restrict the importation of certain animals into the United States to prevent the introduction of communicable diseases of livestock. Subpart C—Horses, §§ 93.300 through 93.326, pertains to the importation of horses into the United States. Sections 93.301 and 93.304 of the regulations contain specific provisions for the importation of horses from regions affected with contagious equine metritis (CEM), which is a highly contagious venereal disease of horses and other equines caused by infection or contamination with the bacterium *Taylorella equigenitalis.*

In an interim rule [1] effective and published in the **Federal Register** on March 25, 2011 (76 FR 16683–16686, Docket No. APHIS–2008–0112), we amended the regulations in § 93.301 regarding the importation of horses from countries affected with CEM by incorporating an additional certification requirement for imported horses 731 days of age or less and adding new testing protocols for test mares and imported stallions and mares more than 731 days of age.

We solicited comments concerning the interim rule for 60 days ending May 24, 2011. In response to implementation concerns raised by commenters, we published a document in the **Federal Register** on May 31, 2011 (76 FR 31220–31221, Docket No. APHIS–2008–0112), in which we announced that we were delaying enforcement of the interim rule until July 25, 2011, in order to provide CEM testing facilities time to make necessary adjustments to their operating procedures for the rule to be successfully implemented. In a subsequent document published in the **Federal Register** on August 23, 2011 (76 FR 52547–52548, Docket No. APHIS–2008–0112), we announced that the delay of enforcement would continue until the publication of a final rule, and reopened the comment period until September 7, 2011.

We received a total of 18 comments by that date. They were from private citizens, foreign governments and commission, State departments of agriculture, a State veterinary agency, and U.S. horse organizations. Seventeen of the commenters agreed that additional safeguarding measures were warranted to protect the U.S. horse industry; however, those commenters did not agree with certain aspects of the changes made in the interim rule. The comments are discussed by topic below.

Imported Mares

The March 2011 interim rule contained a new requirement that mares over 731 days of age imported from a CEM-affected region be given a complement fixation (CF) test at the post-arrival CEM quarantine facility. A few commenters suggested that we allow the blood to be taken and the CF test to be completed at the port of entry rather than at the post-arrival quarantine facility in order to reduce the post-arrival quarantine period.

While we understand the commenters' concern regarding import delays and convenience, we believe that since the CF test on imported mares is a component of the CEM testing program, the blood sample must be taken and the test completed at a CEM quarantine facility. CEM testing, including CF testing, is a separate function from import quarantine testing, requirements for which are contained in 9 CFR 93.308. Ports are not equipped or staffed to provide CEM testing services that are available at designated CEM quarantine facilities.

In any case, we believe the commenters' concern is unwarranted. Collecting and submitting a blood sample at CEM quarantine facilities will not add any time to the CEM quarantine, since CF test results would be available before the mare has finished the culture and treatment phase of CEM testing.

One commenter stated that we needed to clarify the procedure for imported mares that test positive for CEM. The commenter asked whether the positive mare would be returned to the country of origin or treated at the quarantine facility.

Imported mares that test positive for CEM are not returned to their country of origin. Rather, as provided under § 93.301(e)(5), imported mares that test positive for CEM are treated and retested.

One commenter stated that it was important to identify pregnant and nonpregnant mares due to the difference in testing requirements for each. The commenter asked whether there was a declaration required to identify pregnant and nonpregnant mares and, if so, whether the declaration is confirmed by an accredited veterinarian.

Mares over 731 days of age are accompanied at the time of importation by an import health certificate, but the health certificate does not include the breeding status of the mare. Our expectation, however, is that the owner, importer, or agent will tell the veterinarian in the United States or the exporting country the breeding status of the mare and that the veterinarian will test accordingly. We recommend that accredited veterinarians performing CEM testing at the post-entry quarantine facility examine mares by rectal palpation or ultrasound to determine the breeding status as part of their standard operating procedures.

Imported Stallions

Previously, § 93.301(e)(3)(i) required stallions to be cultured for CEM and test bred to two test mares after negative results from the cultures are obtained. The March 2011 interim rule amended that requirement to require that, prior to test breeding, three sets of cultures be collected from imported stallions rather than one set. The interim rule allowed test breeding to take place only after the first two sets of cultures had yielded negative results.

Some commenters questioned the necessity of collecting more than one set of pre-breeding cultures from imported stallions. One commenter recommended taking post-breeding cultures.

We are making a change to the final rule based on these comments and the 2007 CEM Program Review, which determined that test breeding is a more sensitive test for CEM than pre-breeding cultures. This final rule amends paragraph (e)(3)(i) of § 93.301 to require that one set of cultures be collected from the stallion prior to breeding with negative results, consistent with our previous regulations. A stallion may be released from State quarantine only if all cultures and tests of specimens from the mares used for test breeding are negative for CEM and all cultures performed on specimens taken from the stallion are negative for CEM. If any culture or test is positive for CEM, the stallion would be treated for CEM as described in § 93.301(e)(3)(i)(A) and retested by being test bred to two mares no less than 21 days after the last day of treatment. Given the interim rule's enhancements to the testing process for test mares, we believe that requiring one set of cultures to be taken from imported stallions will be sufficient to prevent the introduction of CEM.

One commenter stated that we needed to clarify whether stallions must be treated for CEM at quarantine facilities regardless of test results.

As stated in § 93.301(e)(3)(i), upon completion of the test breeding, stallions must be treated for 5 consecutive days in accordance with

[1] To view the interim rule, the two documents delaying enforcement, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2008-0112.*

paragraph (e)(3)(i)(A) of § 93.301, regardless of their test status. If a test mare cultured for CEM shows positive results, then the stallion is treated again and retested. A stallion may be released from State quarantine only if all cultures and tests collected from test mares are negative for CEM and all cultures and tests collected from the stallion are negative for CEM.

Test Mares

The March 2011 interim rule required three sets of cultures to be taken from the distal cervix or endometrial of test mares. One commenter questioned whether three sets of distal cervix or endometrial cultures from test mares would be an effective method for detecting CEM because of the potential of overgrowth and contamination of the second and third set of cultures. This would result in repeat cultures which would increase the cost and time of the post-arrival quarantine process. The commenter suggested that cultures from the distal cervix or endometrial be collected on the third set of cultures only.

We agree with the commenter and are making a change to the interim rule as a result. Specifically, we are no longer requiring that cultures from the distal cervix or endometrium be included with all three sets of cultures collected from the test mares. Instead, paragraphs (e)(3)(i)(B) and (e)(4)(ii) of § 93.301 now require that only the third set of cultures include a swab from the distal cervix or endometrium. In addition, we are amending paragraph (d)(1)(ii)(D), which contains similar requirement for the importation of Spanish Pure Breed horses and thoroughbred horses over 731 days, to require that only the third set of cultures from imported mares include a swab from the distal cervix or endometrium.

The interim rule required CF testing to be completed for test mares on the twenty-first day after breeding. One commenter asked what date range would be acceptable if the blood test for the CF testing could not be done exactly on day 21. The commenter stated that the date range for the completion of the CF test needs to be spelled out due to weekends, scheduling, and operation status of the laboratories.

We agree with this comment. If a test mare becomes CEM positive after breeding, the CF test titer begins to rise at day 15 post breeding, and would be expected to continue rising between days 21 and 28. Therefore, we are amending paragraph (e)(3)(i)(B) of § 93.301 to state that a CF test for CEM must be done with negative results between the twenty-first and twenty-eighth day after the breeding. This change will provide additional flexibility in test scheduling, without compromising the ability to detect infection.

Exemptions; Geldings and Horses 731 Days of Age or Younger

The regulations in paragraph (c)(2) of § 93.301 exempts recently castrated stallions (geldings) from CEM-related importation requirements. Several commenters suggested that geldings be tested and treated for CEM, as recommended by the 2007 CEM Program Review. A concern was expressed that recently castrated stallions could maintain stallion-like behavior and attempt and achieve intromission with mares in estrus, thereby creating a risk for CEM transmission.

Geldings will not be used for breeding purposes, which is where the risk of CEM transmission is greatest. We do not believe that the possibility of incidental contact between a gelding and an in-season mare warrants the additional time and expense associated with CEM testing and treatment for geldings.

The regulations also exempt weanlings or yearlings whose age is certified on the import health certificate. One commenter suggested that newborn colts from CEM-infected mares should be tested and treated for CEM. In addition, the commenter suggested that all weanlings and yearlings be tested and treated for CEM as there is evidence that non-venereal transmission is possible.

We acknowledge that it is possible for a foal to be born with CEM if the dam was infected; however, the risk of non-venereal transmission of CEM is low and does not justify testing and treating imported weanlings and yearlings that have not been bred.

One commenter stated that some cryptorchid stallions look like geldings and, therefore, all geldings should be tested to ensure no stallions that might be misidentified are admitted into the United States.

Each horse is accompanied at the time of importation by an import permit issued in accordance with § 93.304. We acknowledge that it is possible for a stallion to be misidentified; however, the risk is low and does not justify testing and treating every male horse that is imported into the United States.

One commenter asked how we regulate imported mares 731 days of age or younger that are determined to be pregnant.

If an imported mare 731 days of age or younger is pregnant upon arrival to the port of entry, the mare will be tested and treated in accordance with § 93.301(e).

One commenter asked why competition horses are tested if they are not used for breeding.

As stated in § 93.301(f), horses temporarily imported into the United States for competition or entertainment purposes are not subject to CEM testing upon entry. Stallions and mares imported for permanent entry into the United States must be tested for CEM even if importers plan to use those horses solely for competition at the time of import because the horses may be used for breeding after competition.

One commenter asked that we clarify the required testing protocols for each category of horse imported into the United States. Specifically, the commenter wanted clarification whether horses temporarily imported for competition are exempt from post-arrival quarantine, while horses temporarily imported for entertainment purposes are now subject to the post-arrival quarantine.

Horses imported into the United States temporarily under § 93.301(f) for either competition or entertainment purposes are not required to be tested for CEM in the United States. Horses entering temporarily for entertainment purposes must be tested in the country of origin. Horses entering temporarily for competition for periods of 90 days or less do not need to be tested in the country of origin. Mares and stallions imported permanently must be tested in the United States and in the country of origin.

Miscellaneous

A few commenters suggested that we address the recommendations presented in the 2007 CEM Program Review regarding oversight, asking that we establish minimum standards for quarantine facilities, testing protocols, and recordkeeping. The commenters suggested that we conduct regular training of testing officials and make unscheduled visits to animal import centers, quarantine facilities, and labs to review each facility's compliance with the regulations.

We cooperate with State officials to ensure compliance and accountability at each facility. At present, we are drafting a policy document that provides minimum standards of operation for each stage of the post-arrival quarantine process. We have conducted training courses for testing officials and laboratory personnel, and will conduct training in the future as resources become available. Therefore, it is not necessary to amend the regulations by adding minimum standards for

quarantine facilities, testing protocols, and recordkeeping.

One commenter asked if there was a system in place to ensure that horses imported under temporary status for competition exit the country after the completion of their competition and that they are not used for breeding purposes during their stay.

As stated in § 93.301(f), any horse temporarily imported would be monitored by the Animal and Plant Health Inspection Service (APHIS) to ensure that the horse is moved according to the itinerary and methods of transport specified by the import permit. The regulations clearly state that a horse imported temporarily for competition or entertainment must not be used for breeding. If an owner or importer subsequently seeks permission to keep the horse in the United States, the horse would be transported to a State quarantine facility to undergo the post-arrival quarantine testing and treatment procedures.

A commenter inquired about the CEM testing and treatment requirements for horses being exported. The commenter stated that requiring exporters to test and treat horses prior to exportation, particularly if that horse has never tested positive for CEM, is an unnecessary burden on exporters and results in a loss of sales.

Export testing requirements are determined by the destination country, not by APHIS. Thus, exporters must test and treat horses prior to exportation as required by the destination country.

One commenter stated that APHIS' list of CEM-affected countries in § 93.301 is different from the list established by Canadian officials.

APHIS considers a country CEM-affected when CEM has been reported in that country or where free movement of horses from CEM-affected regions is allowed. APHIS will add additional countries to the list of CEM-affected regions when evidence is available that the organism is present in those countries, or when a country reports the disease to the World Organization for Animal Health. Canada uses a different approach for determining countries from which imported horses must be tested for CEM, and Canada's list includes countries that have not reported CEM.

One commenter recommended that we require horses with a history of residing in a CEM-affected country for more than 30 days to be tested for CEM, even if they have resided in a CEM-free country for 12 or more months prior to exportation.

Our current regulations only require CEM testing if a horse has resided in a CEM-affected region during the 12 months prior to importation. We acknowledge that there may be some benefit to testing horses that have resided in a CEM-affected region at any time prior to importation, especially if the horse has not been adequately tested and found free of CEM after importation into a CEM-free region. We are considering a future action to amend the regulations accordingly.

One commenter recommended that we provide detailed pictures of the sites required to be cultured for CEM testing since the nomenclature for these test sites differs between countries.

We recognize that each country has its own system of identifying the required culture sites. We cannot include color pictures within the regulations, which are essential for accurately identifying the culture sites. However, we provide that information in policy documents and on our Web site.[2]

Paragraph (e)(1)(iii) of § 93.301 provides the testing requirements for horses prior to exportation from their country of origin. We neglected to amend this paragraph in the interim rule by adding the additional culture sites for stallions and mares that the interim rule required for horses tested in domestic CEM quarantine. Therefore, we are amending § 93.301(e)(1)(iii) by adding the distal urethra as a culture site for stallions and the distal cervix or the endometrium as a culture site for mares imported into the United States. The addition of the culture sites will make the regulations consistent with the changes made in the interim rule.

Therefore, for the reasons given in the interim rule and in this document, we are adopting the interim rule as a final rule, with the changes discussed in this document.

This final rule also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, this action has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

This final rule follows an interim rule that amended the regulations regarding the importation of horses from countries affected with CEM by incorporating an additional certification requirement for imported horses 731 days of age or less and adding new testing protocols for test mares and imported stallions and mares more than 731 days of age.

In accordance with 5 U.S.C. 604, we have performed a final regulatory flexibility analysis, which is summarized below, regarding the economic effects of this rule on small entities. Copies of the full analysis are available on the Regulations.gov Web site (see footnote 1 in this document for a link to Regulations.gov) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

The final regulatory flexibility analysis examines expected impacts for U.S. small entities of amending the regulations under which stallions and mares are imported from CEM-affected countries. For an importer of a mare from a CEM-affected country, we expect the additional costs will range from $80 to $255. For an importer of a stallion from a CEM-affected country, we expect the additional costs will range from $620 to $830.

Currently, CEM testing costs vary by State and within State, averaging about $1,760 for mares and $5,070 for stallions. The overall impact of the additional costs for the horse industry is not expected to be significant, given the relatively small number of horses imported from CEM countries (less than 2 percent of imports). The additional costs are also not large when compared to expected benefits in terms of reduced risk of a CEM outbreak in the United States.

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, the interim rule amending 9 CFR part 93 that was published at 76 FR 16683–16686 on March 25, 2011, is adopted as a final rule with the following changes:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, FISH, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

■ 1. The authority citation for part 93 continues to read as follows:

Authority: 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 93.301 is amended as follows:

■ a. By revising the first sentence of paragraph (d)(1)(ii)(D); and

[2] For more information, go to *http://www.aphis.usda.gov/import_export/animals/live_animals.shtml.*

■ b. By revising paragraphs (e)(1)(iii), (e)(3)(i) introductory text, (e)(3)(i)(B), and (e)(4)(ii).

The revisions read as follows:

§ 93.301 General prohibitions; exceptions.

* * * * *

(d) * * *

(1) * * *

(ii) * * *

(D) For Spanish Pure Breed horses and thoroughbred horses over 731 days of age, cultures negative for CEM were obtained from three sets of specimens collected within a 12-day period from the mucosal surfaces of the clitoral fossa and the clitoral sinuses, with one set of specimens including a specimen from the surfaces of the distal cervix or endometrium, of any female horses and from the surfaces of the prepuce, the urethral sinus, the distal urethra, and the fossa glandis, including the diverticulum of the fossa glandis, of any male horses. * * *

* * * * *

(e) * * *

(1) * * *

(iii) A set of specimens must be collected from each horse within 30 days prior to the date of export by a licensed veterinarian who either is, or is acting in the presence of, the veterinarian signing the certificate. For stallions, the set of specimens consists of one culture swab from each location shall be taken from the prepuce, the urethral sinus, the distal urethra, and the fossa glandis, including the diverticulum of the fossa glandis; for mares, the specimens must be collected from the mucosal surfaces of the clitoral fossa, clitoral sinuses, and the distal cervix or endometrium in nonpregnant mares. All of the specimens collected must be cultured for CEM with negative results in a laboratory approved to culture for CEM by the national veterinary service of the region of origin;

* * * * *

(3) * * *

(i) Once the stallion is in the approved State, one specimen each shall be taken from the prepuce, the urethral sinus, the distal urethra, and the fossa glandis, including the diverticulum of the fossa glandis, of the stallion and be cultured for CEM. After negative results have been obtained, the stallion must be test bred to two test mares that meet the requirements of paragraph (e)(4) of this section. Upon completion of the test breeding:

* * * * *

(B) Each mare to which the stallion has been test bred shall be cultured for CEM from three sets of specimens from the mucosal surfaces of the clitoral fossa and clitoral sinuses, with one set of specimens including a specimen from either the distal cervix or endometrium, between the third and fourteenth day after breeding, with negative results. The sets of specimens must be collected on three separate occasions within a 12-day period with no less than 72 hours between each set. A complement fixation test for CEM must be done with negative results between the twenty-first and twenty-eighth day after the breeding.

* * * * *

(4) * * *

(ii) The test mares must be qualified prior to breeding as apparently free from CEM and may not be used for breeding from the time specimens are taken to qualify the mares as free from CEM. To qualify, each mare shall be tested with negative results by a complement fixation test for CEM, and specimens taken from each mare shall be cultured negative for CEM. Sets of specimens shall be collected on three separate occasions from the mucosal surfaces of the clitoral fossa and the clitoral sinuses, with one set of specimens including a specimen from either the distal cervix or endometrium, within a 12-day period with no less than 72 hours between each set.

* * * * *

Done in Washington, DC, this 6th day of February 2013.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–03024 Filed 2–8–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1002; Directorate Identifier 2012–NM–052–AD; Amendment 39–17346; AD 2013–03–11]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called A300–600 series airplanes); and Model A310 series airplanes. This AD was prompted by reports of cracking through the honeycomb core closed with phenolic resin. This condition could result in extended debonding and could adversely affect the structural integrity of the rudder. This AD requires inspecting to determine the serial number of a certain rudder and replacing the rudder with a new or serviceable rudder if necessary. We are issuing this AD to prevent extended de-bonding, which could result in loss of the rudder and consequent reduced controllability of the airplane.

DATES: This AD becomes effective March 18, 2013.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

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 was published in the **Federal Register** on September 26, 2012 (77 FR 59149). That NPRM proposed to correct an unsafe condition for the specified products. The Mandatory Continuing Airworthiness Information (MCAI) states:

> Following in-service findings reported by an operator, rudder laboratory investigation revealed the existence of a crack through the honeycomb core closed with phenolic resin. This condition if not detected and corrected, could result in extended de-bonding, which would adversely affect the structural integrity of the rudder. The loss of the rudder could lead to degradation of the handling qualities and reduces the controllability of the aeroplane.
>
> Further investigations identified a batch of five affected rudders.
>
> For the reasons described above, this [European Aviation Safety Agency (EASA)] AD [2012–0006, dated January 12, 2012] requires [inspecting to determine the serial number (S/N) of a certain rudder and] the replacement of the five affected rudders with [new or] serviceable ones.

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

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Request To Supersede AD 2010–16–13, Amendment 39–16390 (75 FR 49370, August 13, 2010)

UPS requested that the NPRM (77 FR 59149, September 26, 2012) supersede AD 2010–16–13, Amendment 39–16390 (75 FR 49370, August 13, 2010). UPS stated that three serial numbers in the NPRM are also the subject of AD 2010–16–13, which could create conflicting actions for the same component.

We disagree with the request to supersede AD 2010–16–13, Amendment 39–16390 (75 FR 49370, August 13, 2010). AD 2010–16–13 is a comprehensive inspection program to verify the integrity of the bonding between the skin and honeycomb core of many rudders, whereas this AD is a complete replacement due to in-service findings of a crack through the honeycomb core. While the actions in AD 2010–16–13 apply to multiple rudders, the replacement required by this AD is limited to 5 rudders. Since the 5 rudders have to be replaced within 3 months, and AD 2010–16–13 applies to many rudders with a various repetitive inspection interval, it is unlikely that the inspection and replacement requirements would overlap. In addition, depending upon which rudder is installed by an operator, the inspection program required by AD 2010–16–13 may or may not apply. No change has been made to this AD in this regard.

Request for Justification of NPRM (77 FR 59149, September 26, 2012)

An anonymous commenter requested justification for the actions required by the NPRM (77 FR 59149, September 26, 2012). The commenter suggested that we ground the airplanes, inspect, and fix them, in order to ''stop wasting time and taxpayer money.''

We disagree with the commenter's suggestion for addressing the identified unsafe condition. Under part 39 of the Federal Aviation Regulations (14 CFR part 39), we issue an AD addressing a product when we find that an unsafe condition exists in the product, and the condition is likely to exist or develop in other products of the same type design. In the case of this AD, we determined that the unsafe condition is de-bonding, which could result in loss of the rudder and consequent reduced controllability of the airplane.

Further, under the Administrative Procedure Act (APA) (Pub. L. 79–404, 5 U.S.C. § 551, et seq.) we are required to provide notice of our intent to add, change, or remove information in a rule, as well as to give the public an opportunity to participate in rulemaking actions unless we find good cause to bypass those requirements. (The APA is a body of laws that, working together, provides minimum guidelines and rules that federal agencies are required to follow when issuing a rule or changing existing rules that, if adopted, would impact the rights of the regulated public.) We have followed these requirements in issuing this AD.

Finally, in ADs, we specify a compliance time to incorporate and schedule the actions into operators' maintenance programs to prevent unnecessary grounding of airplanes.

We find that no change to this AD is necessary in response to the commenter's request.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (77 FR 59149, September 26, 2012) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (77 FR 59149, September 26, 2012).

Costs of Compliance

We estimate that this AD will affect 170 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $14,450, or $85 per product.

In addition, we estimate that any necessary follow-on actions would take about 10 work-hours and require parts costing $714,100, for a cost of $714,950 per product. We have no way of determining the number of products that may need these actions.

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 AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

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 AD and placed it in the AD docket.

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 the NPRM (77 FR 59149, September 26, 2012), 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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 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 AD:

2013–03–11 Airbus: Amendment 39–17346. Docket No. FAA–2012–1002; Directorate Identifier 2012–NM–052–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective March 18, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes; and Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes; certificated in any category; all serial numbers, except those airplanes on which Airbus modification 08827 has been incorporated in production.

(d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Reason

This AD was prompted by reports of cracking through the honeycomb core closed with phenolic resin. This condition could result in extended debonding and could adversely affect the structural integrity of the rudder. We are issuing this AD to prevent extended de-bonding, which could result in loss of the rudder and consequent reduced controllability 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) Inspection

Within 3 months after the effective date of this AD, inspect the rudder having part number (P/N) A55471500, to determine if the rudder has serial number (S/N) HF1010, HF1036, HF1059, HF1061, or HF1064. A review of airplane maintenance records is acceptable in lieu of this inspection if the serial number of the rudder can be conclusively determined from that review.

(h) Rudder Replacement

If, during the inspection required by paragraph (g) of this AD, any rudder having S/N HF1010, HF1036, HF1059, HF1061, or HF1064 is found, before further flight, replace the rudder with a new or serviceable rudder, using 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).

Note 1 to Paragraph (h) of this AD: Rudders having S/N HF1010, HF1036, HF1059, HF1061, and HF1064 were installed on airplanes having S/N 0295, 0297, 0321, 0355, and 0500; however, each rudder may have been moved to another airplane.

(i) Parts Installation Prohibition

As of the effective date of this AD, no person may install a rudder P/N A55471500, having S/N HF1010, HF1036, HF1059, HF1061, or HF1064, on any airplane.

(j) 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; 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.

(k) Related Information

Refer to MCAI EASA Airworthiness Directive 2012–0006, dated January 12, 2012, for related information.

(l) Material Incorporated by Reference

None.

Issued in Renton, Washington, on January 30, 2013.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–02895 Filed 2–8–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30886; Amdt. No. 505]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: *Effective Date:* 0901 UTC, March 7, 2013.

FOR FURTHER INFORMATION CONTACT: Rick Dunham, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney, Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125), telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or

circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policiesand Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC on February 1, 2013.

John M. Allen,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, March 7, 2013.

PART 95—[AMENDED]

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS

[Amendment 505 effective date March 7, 2013]

FROM	TO	MEA	MAA
§ 95.3000 Low Altitude RNAV Routes			
§ 95.3254 RNAV Route T254 is Amended to Read in Part			
COLLEGE STATION, TX VORTAC	HIPPS, TX FIX	3000	15000
HIPPS, TX FIX	EAKES, TX FIX	3000	15000

FROM	TO	MEA
§ 95.6001 Victor Routes–U.S.		
§ 95.6010 VOR Federal Airway V10 is Amended to Read in Part		
REVLOC, PA VOR/DME	JUNEY, PA FIX	*5000
*5000—GNSS MEA		
JUNEY, PA FIX	LANCASTER, PA VORTAC	*5000
*3600—MOCA		
§ 95.6014 VOR Federal Airway V14 is Amended to Read in Part		
OBRLN, OH FIX	DRYER, OH VOR/DME	*3500
*2500—MOCA		
§ 95.6018 VOR Federal Airway V18 is Amended to Read in Part		
GUTHRIE, TX VORTAC	BEKLE, TX FIX.	
	NW BND	*6000
	SE BND	*8000
*3400—MOCA		
§ 95.6043 VOR Federal Airway V43 is Amended to Read in Part		
APPLETON, OH VORTAC	TIVERTON, OH VOR/DME	3000
§ 95.6055 VOR Federal Airway V55 is Amended to Read in Part		
BRAINERD, MN VORTAC	PARK RAPIDS, MN VOR/DME	3400
PARK RAPIDS, MN VOR/DME	BETRA, MN FIX	*4500
*3200—MOCA		
*3600—GNSS MEA		
BETRA, MN FIX	GRAND FORKS, ND VOR/DME	*3300
*2400—MOCA		
§ 95.6087 VOR Federal Airway V87 is Amended to Read in Part		
SCAGGS ISLAND, CA VORTAC	MAXWELL, CA VORTAC	5300

FROM	TO	MEA
§ 95.6101 VOR Federal Airway V101 is Amended to Read in Part		
BURLEY, ID VOR/DME	REAPS, ID FIX.	
	S BND	7000
	N BND	9500
REAPS, ID FIX	HAILEY, ID NDB/DME	*9500
*8900—MOCA		
HAILEY, ID NDB/DME	SOLDE, ID FIX.	
	NE BND	9000
	SW BND	17000
§ 95.6119 VOR Federal Airway V119 is Amended to Read in Part		
ANTIO, OH FIX	INDIAN HEAD, PA VORTAC	5000
§ 95.6120 VOR Federal Airway V120 is Amended to Read in Part		
SPOKANE, WA VORTAC	KARPS, ID FIX	*9000
*7600—MOCA		
§ 95.6151 VOR Federal Airway V151 is Amended to Read in Part		
MONTPELIER, VT VOR/DME	*BURLINGTON, VT VOR/DME	6300
*5000—MCA BURLINGTON, VT VOR/DME, SE BND		
§ 95.6155 VOR Federal Airway V155 is Amended to Read in Part		
LAWRENCEVILLE, VA VORTAC	*MANGE, VA FIX	**4000
*5000—MRA		
**2000—GNSS MEA		
#LAWRENCEVILLE R–042 UNUSABLE USE RICHMOND R–223		
*MANGE, VA FIX	FLAT ROCK, VA VORTAC	**5000
*5000—MRA		
**1800—MOCA		
**2000—GNSS MEA		
§ 95.6157 VOR Federal Airway V157 is Amended to Read in Part		
KEY WEST, FL VORTAC	DVALL, FL FIX	*5000
*1400—MOCA		
*3000—GNSS MEA		
§ 95.6200 VOR Federal Airway V200 is Amended to Read in Part		
MENDOCINO, CA VORTAC	WILLIAMS, CA VORTAC	6200
§ 95.6231 VOR Federal Airway V231 is Amended to Read in Part		
*SKOTT, MT FIX	KALISPELL, MT VOR/DME.	
	N BND	8600
	S BND	10000
*12000—MRA		
§ 95.6301 VOR Federal Airway V301 is Amended to Read in Part		
SANTA ROSA, CA VOR/DME	*KLOGE, CA FIX	5000
*6400—MCA KLOGE, CA FIX, NE BND		
§ 95.6306 VOR Federal Airway V306 is Amended to Read in Part		
DAISETTA, TX VORTAC	*KUUPR, TX FIX	2300
*2800—MRA		
*KUUPR, TX FIX	OFERS, LA FIX	2300
*2800—MRA		
§ 95.6383 VOR Federal Airway V383 is Amended to Read in Part		
ROSEWOOD, OH VORTAC	YOGGI, OH FIX	3100
YOGGI, OH FIX	*CHOOT, OH FIX	**6500
*6500—MRA		
**3100—MOCA		
*CHOOT, OH FIX	DETROIT, MI VOR/DME	3100
*6500—MRA		

FROM	TO	MEA
§ 95.6430 VOR Federal Airway V430 is Amended to Read in Part		
CUT BANK, MT VORTAC	HAVRE, MT VOR/DME	6800
WILLISTON, ND VORTAC	MINOT, ND VORTAC	*5000
*3900—MOCA		
§ 95.6435 VOR Federal Airway V435 is Amended to Read in Part		
ROSEWOOD, OH VORTAC	OBRLN, OH FIX	*6000
*2700—MOCA		
OBRLN, OH FIX	DRYER, OH VOR/DME	*3500
*2500—MOCA		
§ 95.6444 VOR Federal Airway V444 is Amended to Read in Part		
EMETT, ID FIX *	BOISE, ID VORTAC	5600
*7400—MCA BOISE, ID VORTAC, E BND		
BOISE, ID VORTAC	AROWS, ID FIX.	
	W BND	8000
	E BND	9000
AROWS, ID FIX	*DERSO, ID FIX	**12500
*15200—MCA DERSO, ID FIX, E BND		
**10000—MOCA		
DERSO, ID FIX	SOLDE, ID FIX	*17000
*10400—MOCA		
SOLDE, ID FIX	*KINZE, ID FIX.	
	SE BND	8000
	NW BND	17000
*15900—MCA KINZE, ID FIX, NW BND		
KINZE, ID FIX	BURLEY, ID VOR/DME	*8000
*7000—MOCA		
§ 95.6447 VOR Federal Airway V447 is Amended to Read in Part		
MUDDI, VT FIX	RUCKY, VT FIX	*6000
*5500—MOCA		
RUCKY, VT FIX	MONTPELIER, VT VOR/DME	*4500
*4000—MOCA		
§ 95.6448 VOR Federal Airway V448 is Amended to Read in Part		
SPOKANE, WA VORTAC	CLASS, ID FIX	*9000
*7600—MOCA		
CLASS, ID FIX	KILLY, MT FIX	*13000
*9900—MOCA		
*10000—GNSS MEA		
KILLY, MT FIX	KALISPELL, MT VOR/DME	*12000
*8600—MOCA		
*8600—GNSS MEA		
§ 95.6484 VOR Federal Airway V484 is Amended to Read in Part		
HAILEY, ID NDB/DME	KINZE, ID FIX	9300
§ 95.6489 VOR Federal Airway V489 is Amended to Read in Part		
LEAFY, NY FIX	KEESE, NY FIX	5200
§ 95.6500 VOR Federal Airway V500 is Amended to Read in Part		
PARMO, ID FIX	*BOISE, ID VORTAC	5000
*7400—MCA BOISE, ID VORTAC, E BND		
BOISE, ID VORTAC	AROWS, ID FIX.	
	E BND	9000
	W BND	8000
AROWS, ID FIX	*DERSO, ID FIX	**12500
*15200—MCA DERSO, ID FIX, E BND		
**10000—MOCA		
DERSO, ID FIX	SOLDE, ID FIX	*17000
*10400—MOCA		
SOLDE, ID FIX	*REAPS, ID FIX.	
	E BND	**14000
	W BND	**17000
*14000—MCA REAPS, ID FIX, W BND		

FROM	TO	MEA
**8000—MOCA		
§ 95.6523 VOR Federal Airway V523 is Amended to Read in Part		
APPLETON, OH VORTAC	TIVERTON, OH VOR/DME	3000
§ 95.6525 VOR Federal Airway V525 is Amended to Read in Part		
APPLETON, OH VORTAC	TIVERTON, OH VOR/DME	3000
§ 95.6573 VOR Federal Airway V573 is Amended to Read in Part		
*ALEXX, OK FIX *7000—MRA #UNUSABLE	ARDMORE, OK VORTAC	#
§ 95.6629 VOR Federal Airway V629 IS ADDED TO READ		
SHUSS, NV FIX	BOULDER CITY, NV VORTAC	7600

FROM	TO	MEA	MAA
§ 95.7001 JET ROUTES § 95.7002 JET ROUTE J2 is Amended to Read in Part			
TUCSON, AZ VORTAC #MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.	EL PASO, TX VORTAC	#25000	45000
§ 95.7079 JET ROUTE J79 is Amended to Read in Part			
KEY WEST, FL VORTAC	DOLPHIN, FL VORTAC	18000	45000

AIRWAY SEGMENT		CHANGEOVER PONTS	
FROM	TO	DISTANCE	FROM
§ 95.8003 VOR Federal Airway Changeover Points is Amended to Delete Changeover Point			
INDIAN HEAD, PA VORTAC	PARKERSBURG, WV VORTAC	60	INDIAN HEAD.
V200 is Amended to Delete Changeover Point			
MENDOCINO, CA VORTAC	WILLIAMS, CA VORTAC	22	MENDOCINO.
V444 is Amended to Modify Changeover Point			
BOISE, ID VORTAC	POCATELLO, ID VOR/DME	66	BOISE.
V55 is Amended to Add Changeover Point			
BRAINERD, MN VORTAC PARK RAPIDS, MN VOR/DME	PARK RAPIDS, MN VOR/DME GRAND FORKS, ND VOR/DME	6 64	BRAINERD. PARK RAPIDS.

[FR Doc. 2013–03074 Filed 2–8–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0042]

Drawbridge Operation Regulation; Cape Fear River, Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The U.S. Coast Guard has issued a temporary deviation from the operating schedule that governs the operation of the Cape Fear River Memorial Bridge, across the Cape Fear River, mile 26.8, at Wilmington, NC. The deviation is necessary to restrict the operation of the draw span to facilitate the bi-annual trunnion inspection.

DATES: This temporary deviation is effective from 7 a.m. on March 11, 2013, until 7 p.m. on March 14, 2013.

ADDRESSES: The docket for this notice, USCG–2013–0042, is available on line at *http://www.regulations.gov* by typing the docket number in the ''SEARCH'' box and clicking ''SEARCH.'' Next, click on Open Docket Folder on the line associated with this notice. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mrs. Kashanda Booker, Bridge Management Specialist, Fifth Coast Guard District, telephone

(757) 398–6227, email *Kashanda.l.booker@uscg.mil.* If you have questions on viewing the docket, call Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The North Carolina Department of Transportation, who owns and operates this vertical lift bridge, has requested a temporary deviation to conduct the bi-annual trunnion inspection.

Under the regular operating schedule, the bridge opens on signal as required by 33 CFR 117.5, except that under 33 CFR 117.823, the draw need not open for the passage of vessels from 8 a.m. to 10 a.m. on the second Saturday of July and from 7 a.m. to 11 a.m. on the first or second Sunday of November every year.

The Cape Fear River Memorial Bridge, at mile 26.8, at Wilmington, NC, has vertical clearances in the open and closed positions of 135 feet and 65 feet above mean high water, respectively.

Under this temporary deviation, the drawbridge will be closed to navigation beginning each day from 7 a.m. to 7 p.m., on March 11, 2013, through March 14, 2013; however, vessel openings will be provided if at least two hours advance notice is given. At all other times, the drawbridge opens on signal. There are no alternate routes for vessels transiting this section of the Cape Fear River. The drawbridge will be able to open in the event of an emergency.

Typical vessel traffic on the Cape Fear River includes a variety of vessels from freighters, tug and barge traffic, and recreational vessels. Vessels that can pass under the bridge without a bridge opening may continue to do so at anytime.

The Coast Guard has carefully coordinated the restrictions with commercial and recreational waterway users. The Coast Guard will inform all users of the waterway through our Local and Broadcast Notice to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 30, 2013.

Waverly W. Gregory, Jr.,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2013–02962 Filed 2–8–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2012–1072]

Drawbridge Operation Regulations; Saugus River, Lynn and Revere, MA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulation.

SUMMARY: The U.S. Coast Guard has issued a temporary deviation from the regulation governing the operation of the General Edwards Bridge, mile 1.7, across the Saugus River between Lynn and Revere, Massachusetts. The deviation is necessary to facilitate architectural rehabilitation of the bridge towers. This deviation allows the bridge to remain in the closed position to allow scaffolding be attached to the bascule lift span to access work area.

DATES: This deviation is effective from March 1, 2013, through April 27, 2013.

ADDRESSES: The docket for this notice, USCG–2012–1072, is available online at *www.regulations.gov* by typing the docket number in the ''SEARCH'' box and clicking ''SEARCH''. You may also visit the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. John W. McDonald, Project Officer, First Coast Guard District, *john.w.mcdonald@uscg.mil,* or telephone 617–223–8364. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The General Edwards Bridge, across the Saugus River, mile 1.7, between Lynn and Revere, Massachusetts, has a vertical clearance in the closed position of 27 feet at mean high water and 36 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.618(b).

The waterway users are recreational vessels of various sizes. The bridge rarely opens March through April since the recreational vessels that transit this waterway are normally in winter storage. The bridge has opened two times on average since 2002 during this time period.

The owner of the bridge, Massachusetts Department of Transportation, requested a temporary deviation from the regulations to help facilitate rehabilitation of the bridge towers that requires scaffolding be attached to the bascule lift span to access the work area.

Under this temporary deviation the General Edwards Bridge may remain in the closed position from March 1, 2013, through April 27, 2013.

Vessels that can pass under the bridge in the closed position may do so at any time.

The Coast Guard believes that this temporary deviation meets the reasonable needs of navigation because the recreational users that normally use this bridge are recreational vessels that do not operate during the winter months when this deviation will be in effect.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 29, 2012.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2013–02958 Filed 2–8–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0043]

Drawbridge Operation Regulation; Mile 535.0, Upper Mississippi River, Sabula, IA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Sabula Railroad Drawbridge across the Upper Mississippi River, mile 535.0, at Sabula, Iowa. The deviation is necessary to allow the bridge owner time to perform preventive maintenance that is essential to the continued safe operation of the drawbridge. Maintenance is scheduled in the winter when there is less impact on navigation; instead of scheduling work in the summer, when river traffic increases. This deviation allows the bridge to remain in the closed-to-

navigation position while a bent shaft and damaged gear assembly are replaced.

DATES: This deviation is effective from 7 a.m., February 11, 2013, to 7 a.m., February 25, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2013–0043. The docket for this notice, USCG–2013–0043, is available online at *www.regulations.gov* by typing the docket number in the ''SEARCH'' box and clicking ''SEARCH.'' Next, click on Open Docket Folder on the line associated with this notice. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard 314–269–2378, email *Eric.Washburn@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Canadian Pacific Railway requested a temporary deviation for the Sabula Railroad Drawbridge, across the Upper Mississippi River, mile 535.0, at Sabula, Iowa to remain in the closed-to-navigation position while a bent shaft and damaged gear assembly are replaced. The closure period will start at 7 a.m., February 11, 2013, and last until 7 a.m., February 25, 2013.

Once the bent shaft and gear assembly are removed, the swing span will not be able to open, even for emergencies, until the replacement of the shaft and gear assembly is installed.

The Sabula Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart. In order to facilitate the needed bridge work, the drawbridge must be kept in the closed-to-navigation position.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.

The Sabula Railroad Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 18.1 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary deviation has been coordinated with the waterway users. No objections were received.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 25, 2013.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2013–02961 Filed 2–8–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900–AO45

Disclosures To Participate in State Prescription Drug Monitoring Programs

AGENCY: Department of Veterans Affairs.

ACTION: Interim final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends its regulations concerning the sharing of certain patient information in order to implement VA's authority to participate in State Prescription Drug Monitoring Programs (PDMPs). Participation in PDMPs will allow the VA patient population to benefit from the reduction in negative health outcomes.

DATES: *Effective Date:* This rule is effective on February 11, 2013.

Comment Date: Comments must be received on or before April 12, 2013.

ADDRESSES: Written comments may be submitted by email through *http://www.regulations.gov;* by mail or hand-delivery to Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AO45, Disclosures to Participate in State Drug Monitoring Programs.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Stephania Griffin, Director, Information Access and Privacy Office (10P2C1), Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420, 704–245–2492. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 23, 2011, the President signed into law the Consolidated Appropriations Act, 2012 (the Act), Public Law 112–74. Section 230 of the Act amended 38 U.S.C. 5701, which governs the confidential nature of VA claims and information of present and former members of the Armed Forces and their dependents in VA's possession, by adding a new subsection (l), which reads as follows:

> Under regulations the Secretary [of Veterans Affairs] shall prescribe, the Secretary may disclose information about a veteran or the dependent of a veteran to a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to prevent misuse and diversion of prescription medicines.

Section 230 of the Act similarly amended 38 U.S.C. 7332, which governs the confidentiality of VA records relating to drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus, or sickle cell anemia, by adding a subparagraph (G) to subsection (b)(2), which sets forth exceptions to section 7332's privacy protections. Subparagraph (G) authorizes VA to release this protected information:

> [t]o a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to prevent misuse and diversion of prescription medicines.

State controlled substance monitoring programs, as named in the Act, are commonly referred to as State prescription drug monitoring programs or PDMPs. States implement and maintain the PDMP databases on controlled substances prescribed and filled by pharmacies within their borders to achieve public health and law enforcement objectives.

Sections 5701 and 7332 are VA statutes that afford privacy protections to the information of veterans and their dependents, as well as active-duty servicemembers under section 5701, and to VA patients with certain medical conditions. The Act authorizes new

exceptions to the limitations on disclosures in sections 5701 and 7332 that permit VA to disclose information to PDMPs on veterans and their dependents about prescriptions of controlled substances.

The two statutory exceptions created in the Act do not by themselves authorize VA to disclose information to PDMPs. In addition to sections 5701 and 7332, VA's authority to disclose information to PDMPs is subject to the Privacy Act of 1974 (5 U.S.C. 552a) and the Standards for Privacy of Individually Identifiable Health Information (HIPAA Privacy Rule, 45 CFR Parts 160 and 164). Before releasing information to PDMPs, under the Privacy Act, VA must publish a **Federal Register** notice establishing a routine use for the relevant system of records from which the information will be disclosed. VA will publish the required notice separate from this rulemaking. VA's authority to disclose the information to PDMPs under the HIPAA Privacy Rule is contained in 45 CFR 164.512(b), which allows disclosures to an agency or authority responsible for public health matters as part of its official mandate. The combination of these four authorities allows VA to disclose information pertaining to the prescriptions for controlled substances to veterans and their dependents.

VA will participate in PDMPs by both disclosing and obtaining information from States about VA patients. By contributing to and reviewing PDMP databases, VA health care providers will be able to identify at-risk individuals and trends that will assist in the prevention of the accidental or intentional misuse of prescribed medication by veterans and their dependents. By both disclosing information to and acquiring information from PDMPs, VA would improve the public health benefits already realized by PDMPs and obtain vital information that will reduce the number of emergency room visits and overdoses attributable to prescription drug misuse and identify patients at risk of negative health outcomes associated with the misuse of prescribed controlled substances. Episodes of care associated with the abuse or misuse of controlled substances can be costly and VA anticipates a significant aggregate benefit by providing data to States with PDMPs. Controlled substances, when used appropriately, have proven to significantly improve the overall health of patients. However, these substances present serious health risks when they are not used strictly in accordance with prescribed instructions or when used along with other contraindicated prescription drugs. Although patients have the right to control their health information, and respecting this right is at the heart of professional ethics and patient-centered care, overriding the confidentiality of certain health information can be ethically justified to protect the health and safety of the public. Sharing the necessary information to participate in PDMPs supports this ethical justification.

Although the Act provides authority in 38 U.S.C. 5701 and 7332 for VA to disclose information to PDMPs, it requires VA to promulgate regulations to implement the authority only under section 5701. However, we are promulgating regulations to implement the authority under both sections 5701 and 7332 for clarity. VA implements sections 5701 and 7332 through separate bodies of regulations dedicated to each statute.

The body of regulations for section 5701 is published in part 1 under the undesignated center heading ''Release of Information From Department of Veterans Affairs Claimant Records.'' We are establishing a new section, 38 CFR 1.515, under the heading ''Disclosure of information to participate in state prescription drug monitoring programs.'' We note that current § 1.515 is titled ''To commanding officers of State soldiers' homes.'' This rulemaking reassigns that section to reserved § 1.523. This new § 1.515 implements the authority created under 38 U.S.C. 5701(l) and explains the extent to which VA will disclose information to PDMPs. We are adding a reference to new § 1.515 in the regulation that implements the authority created under 38 U.S.C. 7332(b)(2). We are adding an authority citation to the end of § 1.515 that reflects the statutory authorities relied upon in this rulemaking. These authorities are discussed throughout the preamble.

The body of regulations for section 7332 is published in part 1 under the undesignated center heading ''Release of Information from Department of Veterans Affairs (VA) Records Relating to Drug Abuse, Alcoholism or Alcohol Abuse, Infection with the Human Immunodeficiency Virus (HIV), or Sickle Cell Anemia.'' Under that heading, this rulemaking creates a new § 1.483 under the undesignated center subheading ''Disclosures Without Patient Consent.'' The new section cross-references new § 1.515.

This rulemaking creates new § 1.515 to implement VA's authority to disclose information contained in a claimant's records to PDMPs and details the information that will be provided to PDMPs under all statutory and regulatory authorities. In new § 1.515(b), we define a ''[c]ontrolled substance'' as a substance identified by United States Drug Enforcement Administration (DEA) regulations (21 CFR part 1308) as a Schedule II, III, IV, or V controlled substance. We note that the Act only authorizes the specific disclosure of information pertaining to what is commonly understood within the medical profession to be controlled substances. Although some States occasionally expand their definition of which substances may be considered controlled substances, the DEA regulatory list is the most universally accepted list of such substances. DEA is the recognized authority for establishing the list of controlled substances and updates the list as necessary. VA will rely on DEA's expertise in choosing to use these schedules to define the controlled substances that we will report to PDMPs.

We specifically exclude Schedule I substances under 21 CFR part 1308 because these substances are not dispensed by VA due to their lack of medical value. Therefore, VA has no data to share regarding these substances.

In paragraph (b), we define a PDMP as ''a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3).'' This definition encompasses all existing PDMPs and will allow for VA to share information with any States that develop PDMPs in the future. This definition is derived directly from the Act.

In paragraph (c), we state that VA may disclose to PDMPs information that falls under specified categories of information.

Paragraphs (c)(1) through (3) describe the three categories of information that will be disclosed to PDMPs under the regulation and provide examples of these categories of information. The Act does not require, nor can VA at this time provide, a definitive list of the individual data elements within each category that will be shared with PDMPs by VA due to variances in the requirements of PDMPs. Based on VA's review of PDMP requirements, we believe that the information VA must provide to participate with the PDMPs will fall into one of these general categories of information, and the examples provided represent the specific information that will be shared with the majority of PDMPs.

The examples provided under paragraphs (c)(1) through (c)(3) are derived from section 399O of the Public

Health Service Act (42 U.S.C. 280g–3). Under section 280g–3, the U.S. Department of Health and Human Services (HHS) authorizes grants to States that operate PDMPs according to the requirements set forth in the statute. Although the grant program is voluntary and the statute allows States some flexibility to require reporting of information not in the statute, VA will use these examples as a baseline for reporting data to PDMPs. This list of reporting elements was created by Congress when it established the HHS grant program. We believe this indicates that Congress finds these elements to be the most effective in meeting the public health goals of PDMPs. However, as stated, the elements within each category of information in § 1.515(c) are examples. To better collaborate with States, VA requires flexibility to identify additional reporting requirements and to determine whether VA is capable of providing such information. VA may provide an element of information that falls within one of the categories even if it is not named as an example; however, without further rulemaking, VA will not provide information to PDMPs that does not fall within one of the three listed categories of information.

Paragraph (c)(1) authorizes the disclosure of demographic information ''of veterans and dependents of veterans who are prescribed a controlled substance.'' The Act amends 38 U.S.C. 5701 and 7332, which only apply to certain patient, veteran, or veteran dependent information maintained by VA. VA will also disclose any additional information necessary to meaningfully participate in PDMPs, to the extent that such disclosures are authorized under the Privacy Act of 1974 and HIPAA Privacy Rule requirements, as well as the amendments to sections 5701 and 7332.

Paragraph (c)(2) authorizes sharing information about the prescribed controlled substance, including the substance's national drug code number, quantity dispensed, number of refills ordered, whether the prescription was a refill or for first-time use, and the date of origin of the prescription. Such information is critical to the proper use of PDMP databases to prevent misuse and protect the health of patients. Merely reporting a prescription of a particular substance will not provide the context necessary to determine if the prescription is appropriate in relation to the patient's condition and other prescriptions.

Paragraph (c)(3) explains that certain prescriber information will be shared with PDMPs. Such information identifies where an individual is receiving care and the identity of the provider, which may facilitate communication between providers when necessary to prevent negative health outcomes. Such information is also required by PDMPs in order to regulate the quality of contributions to their databases and prevent fraudulent or erroneous reporting.

As a technical matter, we note that one section previously reserved by VA in the CFR is no longer reserved. Title 38 of the CFR currently contains a specific reservation for §§ 1.480 through 1.483. This rulemaking creates new § 1.483 and intends for this section to be published under the undesignated center subheading ''Disclosures Without Patient Consent.'' The CFR should be updated to correctly reserve §§ 1.480 through 1.482.

Effect of Rulemaking

Title 38 of the CFR, as revised by this interim final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures on this subject are authorized. All VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Administrative Procedure Act

In accordance with 5 U.S.C. 553(b)(B), the Secretary of Veterans Affairs finds good cause to issue this interim final rule without prior notice and comment. This interim final rule implements VA's authorized participation in State PDMPs to identify and prevent potential misuse of prescription drugs and assist in avoiding negative health outcomes for VA patients, including emergency treatment and accidental overdose. As increasing numbers of veterans return from active duty with complex, catastrophic injuries for which pain must be controlled in part by the use of controlled substance medications, VA clinicians require the most complete patient information available. The misuse of prescription medication has reached epidemic levels nationwide, and the veteran population is at a heightened risk for negative health outcomes associated with the improper use of controlled substances. Veterans are subject to unique risk factors involving the misuse of prescribed controlled substances. Karen H. Seal et al., ''Association of Mental Health Disorders With Prescription Opioids and High-Risk Opioid Use in US Veterans of Iraq and Afghanistan,'' 307 JAMA 940 (2012). The conflicts in Iraq and Afghanistan have led to a sharp increase in the number of servicemembers and veterans returning with serious injuries that present symptoms associated with severe pain. Recent studies indicate that almost half of veterans who served in Operation Enduring Freedom and/or Operation Iraqi Freedom, and entered VA health care from 2005 through 2008 received at least one pain-related diagnosis, and of those who received such diagnosis, 66 percent received more than one pain diagnosis. Other risk factors present in the veteran population such as increased rates of homelessness, suicide attempts, and alcohol and other substance-abuse disorders increase the likelihood that an individual will misuse prescribed controlled substances and suffer negative health outcomes. Karen H. Seal et al., ''Association of Mental Health Disorders With Prescription Opioids and High-Risk Opioid Use in US Veterans of Iraq and Afghanistan,'' 307 JAMA 940 (2012).

In addition to promoting the health and safety of VA's patient population, there are exigent public health reasons not to delay implementation of this rule. The abuse of prescription drugs is growing rapidly throughout the United States. Controlled substances prescribed for pain are misused by patients and often result in negative health outcomes including emergency hospital visitations and overdose. The U.S. Department of Health and Human Services estimates that in 2009 more than 1 million emergency department visits nationwide involved the non-medical use of pharmaceuticals, more than doubling in number compared to 2004. Substance Abuse & Mental Health Servs. Admin., U.S. Dep't of Health & Human Servs., Drug Abuse Warning Network, 2009: Nat'l Estimates of Drug-Related Emergency Dep't Visits (2011). In 2009 alone, more than 37,000 Americans died from drug overdoses, with 15,500 deaths being attributable to opioids. Ctrs. for Disease Control & Prevention, U.S. Dep't of Health & Human Servs., Underlying Cause of Death 1999–2009, CDC WONDER Database (2012). Pain-relief medications, including controlled substances, are the most frequent form of medication used in suicide attempts via overdose.

State PDMPs are effective in detecting and preventing prescription medication misuse. One of the primary risk factors for individuals who overdose on opioids, controlled substances generally prescribed for pain, is ''doctor shopping,'' or obtaining multiple prescriptions from different providers.

Alan G. White et al., ''Analytic Models to Identify Patients at Risk for Prescription Opioid Abuse,'' 15 Am J. Managed Care 897 (2009). PDMPs in States with robust monitoring programs have shown some success in curbing the rapid growth in opioid consumption occurring nationally. Leonard J. Paulozzi & Daniel D. Stier, ''Prescription drug laws, drug overdoses, and drug sales in New York and Pennsylvania,'' 31 J. of Pub. Health Pol'y 422 (2010). Although many PDMPs are relatively new and data is limited, preliminary data indicates that PDMPs are associated with mitigated risks of abuse and misuse of opioids in the general population over time. Liza M. Reifler et al., ''Do Prescription Monitoring Programs Impact State Trends in Opioid Abuse/Misuse?'' 13 Pain Med. 434 (2012). Some states have also noted that reporting individuals to the PDMP has reduced the number of doctors and pharmacies visited. ''Nevada's Proactive PMP: The Impact of Unsolicited Reports,'' Prescription Monitoring Program Ctr. of Excellence, Brandeis Univ. (Oct. 2011), *http://www.pmpexcellence.org/sites/all/pdfs/nevada_nff_10_26_11.pdf*. In 2002, Congress recognized their value by beginning to provide funding to support these programs and has continued to do so since. Effective PDMPs have also coincided with reductions in the rate of hospital admissions related to the misuse of controlled substances. Leonard J. Paulozzi & Daniel D. Stier, ''Prescription drug laws, drug overdoses, and drug sales in New York and Pennsylvania,'' 31 J. of Pub. Health Pol'y 422 (2010).

For these reasons, the Secretary has concluded that ordinary notice and comment procedures would be impracticable and contrary to the public interest and is accordingly issuing this rule as an interim final rule. In order to ensure timely implementation of the program established by this rule, and for the reasons stated above, the Secretary also finds, in accordance with 5 U.S.C. 553(d)(3), that there is good cause for this interim final rule to be effective immediately upon publication. For the same reasons detailed above, it is in the public's interest to commence this program as soon as possible, and this will be facilitated by an immediate effective date.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any given year. This interim final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

This interim final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Secretary hereby certifies that this regulatory action will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–12. This regulatory action affects only individuals and will not affect any small entities. Therefore, pursuant to 5 U.S.C. 605(b), this regulatory action is exempt from the initial and final flexibility analysis requirements of sections 603 and 604.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' which requires review by the Office of Management and Budget (OMB), as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined to be a significant regulatory action under Executive Order 12866.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for this rule are 64.012 Veterans Prescription Service and 64.019 Veterans Rehabilitation-Alcohol and Drug Dependence.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John R. Gingrich, Chief of Staff, Department of Veterans Affairs, approved this document on February 5, 2013, for publication.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Archives and records, Cemeteries, Claims, Courts, Crime, Flags, Freedom of Information, Government employees, Government property, Infants and children, Inventions and patents, Parking, Penalties, Privacy, Reporting and recordkeeping requirements, Seals and insignia, Security measures, Wages.

Dated: February 6, 2013.

Robert C. McFetridge,

Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

For the reasons set out in the preamble, VA amends 38 CFR part 1 as follows:

PART 1—GENERAL PROVISIONS

■ 1. The authority citation for part 1 continues to read as follows:

Authority: 38 U.S.C. 501(a), and as noted in specific sections.

■ 2. Section 1.483 is added immediately following the undesignated center heading ''Disclosures Without Patient Consent'' to read as follows:

§ 1.483 Disclosure of information to participate in state prescription drug monitoring programs.

Information covered by §§ 1.460 through 1.499 of this part may be disclosed to State Prescription Drug Monitoring Programs pursuant to the

limitations set forth in § 1.515 of this part.

■ 3. Section 1.515 is redesignated as § 1.523 and a new § 1.515 is added to read as follows:

§ 1.515 Disclosure of information to participate in state prescription drug monitoring programs.

(a) *General.* Information covered by §§ 1.500 through 1.527 of this part may be disclosed to State Prescription Drug Monitoring Programs pursuant to the limitations set forth in paragraph (c) of this section.

(b) *Definitions.* For the purposes of this section:

Controlled substance means any substance identified in 21 CFR part 1308 as a schedule II, III, IV, or V controlled substance.

State Prescription Drug Monitoring Program (PDMP) means a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3).

(c) *Participation in PDMPs.* VA may disclose to PDMPs any of the following information concerning the prescription of controlled substances:

(1) Demographic information of veterans and dependents of veterans who are prescribed a controlled substance. Examples include name, address, and telephone number.

(2) Information about the prescribed controlled substances. Examples include the identification of the substance by a national drug code number, quantity dispensed, number of refills ordered, whether the substances were dispensed as a refill of a prescription or as a first-time request, and date of origin of the prescription.

(3) Prescriber information. Examples include the prescriber's United States Drug Enforcement Administration-issued identification number authorizing the individual to prescribe controlled substances and United States Department of Health and Human Services-issued National Provider Identifier number.

(Authority: 5 U.S.C. 552a; 38 U.S.C. 5701, 7332; 45 CFR 164.512(b))

[FR Doc. 2013–03001 Filed 2–8–13; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2012–0982; FRL–9777–2]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to Maryland's Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the State of Maryland State Implementation Plan (SIP). The revisions pertain to adoption through incorporation by reference of the national ambient air quality standards (NAAQS) by the State of Maryland. EPA is approving these revisions that adopt the NAAQS for ozone (O_3), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), lead (Pb), particulate matter (PM) and carbon monoxide (CO) as well as the relevant reference and equivalent monitoring methods through incorporation by reference into the Code of Maryland regulations (COMAR) on an ''as amended'' basis which will prospectively incorporate all future revisions and additions to the NAAQS in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on April 12, 2013 without further notice, unless EPA receives adverse written comment by March 13, 2013. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2012–0982 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: Mastro.Donna@epa.gov.*

C. *Mail:* EPA–R03–OAR–2012–0982, Donna Mastro, Acting Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2012–0982. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Christopher Cripps, (215) 814–2179, or by email at *Cripps.Christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 2012, the State of Maryland submitted a formal revision (SIP Revision #12–07) to its SIP. The SIP revision consists of the adoption of the revisions since 2006 of the following NAAQS along with the associated definitions, reference conditions, and methods of measurement associated with these NAAQS: PM, SO_2, NO_2, Pb and O_3.

II. Summary of SIP Revision

This SIP revision updates Maryland's SIP to incorporate the following revisions to the NAAQS which were promulgated since 2006:

(1) The revised NAAQS for PM (71 FR 61224, Oct. 17, 2006) and the applicable definitions, reference conditions, and methods of measurement as specified in 40 CFR parts 50, 53, and 58;

(2) the NAAQS for Pb (73 FR 67052, Nov. 12, 2008) and the applicable definitions, reference conditions, and methods of measurement as specified in 40 CFR parts 50, 51, 53 and 58;

(3) the revised NAAQS for O_3 (73 FR 16511, Mar. 27, 2008) and the applicable definitions, reference conditions, and methods of measurement as specified in 40 CFR parts 50 and 58;

(4) the revised NAAQS for NO_2 (75 FR 6531, Feb. 9, 2010) and the applicable definitions, reference conditions, and methods of measurement as specified in 40 CFR parts 50 and 58; and

(5) the revised NAAQS for SO_2 (75 FR 35592, June 22, 2010) and the definitions, reference conditions, and methods of measurement as specified in 40 CFR parts 50, 53 and 58;

In addition, Maryland's SIP revision submittal seeks to incorporate by reference the NAAQS of 40 CFR part 50 *prospectively* in order for Maryland's ambient air quality standards to be identical at all times to the NAAQS as well as the pertinent definitions, ambient air monitoring reference and equivalent methods in 40 CFR parts 51, 53 and 58. Therefore, whenever EPA promulgates a new or revised NAAQS in 40 CFR part 50 or revisions to the applicable definitions, ambient air monitoring reference and equivalent methods in 40 CFR parts 51, 53 and 58, the Maryland SIP will automatically reflect such additions and revisions without further action by the State of Maryland or EPA.

Specifically, this revision includes the following changes to Title 26—Department of The Environment, Subtitle 11—Air Quality, Chapter 04 Ambient Air Quality Standards (COMAR 26.11.04):

(1) The deletion of Regulation .04 (COMAR 26.11.04.04) relating to ambient air quality standards for PM;

(2) the deletion of Regulation .05 (COMAR 26.11.04.05) relating to ambient air quality standards for SO_2;

(3) the deletion of Regulation .06 (COMAR 26.11.04.06) relating to ambient air quality standards for CO;

(4) the deletion of Regulation .07 (COMAR 26.11.04.07) relating to ambient air quality standards for O_3;

(5) the deletion of Regulation .08 (COMAR 26.11.04.08) relating to ambient air quality standards for NO_2;

(6) the deletion of Regulation .09 (COMAR 26.11.04.09) relating to ambient air quality standards for Pb;

(7) the deletion of Regulation .02 (COMAR 26.11.04.02) relating to definitions, reference conditions, and methods of measurement as those specified in 40 CFR parts 50, 53, and 58 of the 2003 edition;

(8) the deletion of Regulation 02 (COMAR 26.11.04.02) which stated that ''Regulations .03–.09 [COMAR 26.11.04.3–.09] of this chapter contain State-adopted National Ambient Air Quality Standards'' which no longer has any substantive value because the regulations it cites have been repealed; and

(9) the addition of a new Regulation .02 (COMAR 26.11.04.02) which specifies that the ambient air quality standards, definitions, reference conditions, and methods of measurement are those specified in 40 CFR parts 50, 51, 53, and 58, ''as amended.'' Maryland uses the phrase ''as amended'' in COMAR 26.11.01.02 so that future versions of these regulations are adopted prospectively. *See* Maryland's ''Incorporation By Reference (IBR) Manual,'' (Revised 7/2009) (available at *http://www.dsd.state.md.us/mdregister/IBRManual.pdf*).

EPA finds that Maryland has adequately incorporated by reference the NAAQS and related definitions, reference conditions, and methods of measurement as specified in 40 CFR parts 50, 51, 53, and 58, and, through the use of the phrase ''as amended'' in the COMAR regulatory text, is incorporating by reference future amendments to the NAAQS and related definitions, reference conditions, and methods of measurement specified in 40 CFR parts 50, 51, 53, and 58.

III. Final Action

EPA is approving the November 15, 2012 SIP revision which includes amendments to COMAR 26.11.04 into the State of Maryland SIP. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register,** EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on April 12, 2013 without further notice unless EPA receives adverse comment by March 13, 2013. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register,** rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action to approve amendments to COMAR 26.11.04 Ambient Air Quality Standards may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: January 25, 2013.

W. C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart V—Maryland

■ 2. In § 52.1070, the table in paragraph (c) is amended by revising the entry for COMAR 26.11.04.02 and by removing the existing entries for COMARS 26.11.04.03 through 26.11.04.09 to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP

Code of Maryland Administrative Regulations (COMAR) citation	Title/Subject	State effective date	EPA Approval date	Additional explanation/ citation at 40 CFR 52.1100
*	*	*	*	*
26.11.04 Ambient Air Quality Standards				
26.11.04.02	Ambient Air Quality Standards, Definitions, Reference Conditions, and Methods of Measurement.	9/17/12	2/11/13 [*Insert page number where the document begins*].	
*	*	*	*	*

* * * * *

[FR Doc. 2013–02928 Filed 2–8–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2012–0840, FRL–9778–5]

Approval and Promulgation of Implementation Plans; New Jersey and New York Ozone Attainment Demonstrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the ozone attainment demonstration portion of comprehensive State Implementation Plan revisions submitted by New Jersey and New York to meet Clean Air Act requirements for attaining the 1997 8-hour ozone national ambient air quality standard. EPA is approving New Jersey's and New York's demonstrations of attainment of the 1997 8-hour ozone standard as they relate to their portions of three moderate nonattainment areas; the New York-Northern New Jersey-Long Island, NY-NJ-CT area, the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE area, and the Poughkeepsie, NY area.

DATES: This final rule is effective on March 13, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2012–0840. All documents in the docket are listed in the *http://www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Programs Branch, U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007–1866.

FOR FURTHER INFORMATION CONTACT: Robert F. Kelly, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866. The telephone number is (212) 637–4249. Mr. Kelly can also be reached via electronic mail at *kelly.bob@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''Agency,'' ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

What action is EPA taking?

The Environmental Protection Agency (EPA) is approving the ozone attainment demonstration portion of comprehensive State Implementation Plan (SIP) revisions submitted by New Jersey and New York to meet Clean Air Act (Act or CAA) requirements for attaining the 0.08 parts per million (ppm) 8-hour ozone national ambient air quality standards (NAAQS or standard). Unless otherwise specifically noted in the action, references to the 8-hour ozone standard are to the 0.08 ppm ozone standard promulgated in 1997. EPA is approving New Jersey's and New York's SIP revisions which demonstrate attainment of the 1997 8-hour ozone standard as they relate to their portions of three moderate nonattainment areas:

- The New York-Northern New Jersey-Long Island, NY-NJ-CT area, also called the New York City Metropolitan area,
- The Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE area, also called the Philadelphia area, and
- The Poughkeepsie, NY area.

The EPA is approving New Jersey's and New York's 8-hour ozone attainment demonstration SIP revisions mainly because the EPA has evaluated the ambient air quality monitoring data and EPA has determined that the New York City Metropolitan, Philadelphia, and Poughkeepsie moderate nonattainment areas have attained the ozone NAAQS by their respective attainment deadlines. This determination is based on complete quality assured and certified ambient air monitoring data from 2007 to 2011 that show the areas have monitored attainment of the 1997 8-hour ozone NAAQS during this monitoring period. See 77 FR 36163, 77 FR 47533, 77 FR 17341, and 74 FR 63993.

EPA is aware that preliminary ambient air quality monitoring data for 2012 may indicate that the New York City Metropolitan and Philadelphia areas are no longer attaining the 1997 8-hour ozone NAAQS, while the Poughkeepsie area continues to attain the 8-hour ozone NAAQS. However, 2012 monitoring data is not relevant to this rulemaking on SIP revisions which demonstrate how the states met their plan to attain the 1997 8-hour ozone standard by the June 15, 2010 attainment date (June 15, 2011 for the Philadelphia area). Based on data through 2011, these areas are attaining the 1997 8-hour ozone NAAQS. EPA has a continuing obligation to review the air quality data each year to determine whether areas are meeting the NAAQS and will continue to conduct that review in the future after data is complete, quality assured, certified and submitted to EPA.

In summary, the basic photochemical grid modeling used by New Jersey and New York in its SIP submittal meets EPA's guidelines and, when used with the methods recommended in EPA's modeling guidance, is acceptable to EPA. Air quality data through 2011 supports the states' conclusions that the areas will demonstrate attainment of the 8-hour ozone standard by the attainment date. The purpose of the attainment demonstration is to show how the areas will meet the standard by the attainment date. All the control measures included in the attainment demonstration SIPs have already been adopted and implemented by the States and submitted to and approved by the EPA. Based on (1) the states following EPA's modeling guidance, (2) the quality assured and certified air quality data through 2011, (3) the areas attaining the standard by the attainment date, and (4) the implemented SIP approved control measures, EPA is approving the New Jersey and New York attainment demonstration SIP revisions for the New York City Metropolitan, Philadelphia and Poughkeepsie 1997 8-hour ozone moderate nonattainment areas.

On December 11, 2012 (77 FR 73570), EPA published a notice of proposed rulemaking for the New Jersey and New York attainment demonstration SIP revisions. No public comments were received on the December 11, 2012 proposal. The reader is referred to the December 11, 2012 proposal for additional information regarding this action.

Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under

Executive Order 12866 (58 FR 51735, October 4, 1993);

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 et seq.

Dated: January 28, 2013.

Judith A. Enck,

Regional Administrator, Region 2.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart FF—New Jersey

■ 2. Section 52.1582 is amended by adding new paragraph (o) to read as follows:

§ 52.1582 Control strategy and regulations: Ozone.

* * * * *

(o)(1) The 1997 8-hour ozone attainment demonstration for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT nonattainment area included in New Jersey's October 29, 2007 State Implementation Plan revision is approved and satisfies the requirements of section 182(c)(2)(A) of the Clean Air Act.

(2) The 1997 8-hour ozone attainment demonstration for the New Jersey portion of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area included in New Jersey's October 29, 2007 State Implementation Plan revision is approved and satisfies the requirements of section 182(c)(2)(A) of the Clean Air Act.

Subpart HH—New York

■ 3. Section 52.1670(e) is amended by adding new entries to the bottom of table (e) to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NEW YORK NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Action/SIP element	Applicable geographic or nonattainment area	New York submittal date	EPA Approval date	Explanation
*	* * *	*	*	*
1997 8-hour Ozone—Attainment Demonstration.	New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone moderate nonattainment area.	2/8/2008	2/11/13 [Insert page number where the document begins].	
1997 8-hour Ozone—Attainment Demonstration.	Poughkeepsie 8-hour ozone moderate nonattainment area.	2/8/2008	2/11/13 [Insert page number where the document begins].	

■ 4. Section 52.1683 is amended by adding new paragraph (m) to read as follows:

§ 52.1683 Control strategy: Ozone.

* * * * *

(m)(1) The 1997 8-hour ozone attainment demonstration for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT nonattainment area included in New York's February 8, 2008 State Implementation Plan revision is approved and satisfies the requirements of section 182(c)(2)(A) of the Clean Air Act.

(2) The 1997 8-hour ozone attainment demonstration for the Poughkeepsie nonattainment area included in New York's February 8, 2008 State Implementation Plan revision is approved and satisfies the requirements of section 182(c)(2)(A) of the Clean Air Act.

[FR Doc. 2013–02927 Filed 2–8–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2013–0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) modified	Communities affected
Wayne County, Pennsylvania (All Jurisdictions) Docket No.: FEMA–B–1223			
Ariel Creek	Approximately 400 feet downstream of Goose Pond Road	+1255	Township of Lake, Township of Salem.
	Approximately 1,500 feet upstream of Lake Ariel Highway	+1434	
Balls Creek	At the West Branch Delaware River confluence	+940	Township of Buckingham, Township of Scott.
	Approximately 1.5 miles upstream of Carl Sands Road	+1277	
Beaverdam Creek	At the Delaware River confluence	+734	Township of Damascus.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) modified	Communities affected
	Approximately 4.1 miles upstream of Buckley Lane	+1158	
Carley Brook	Approximately 200 feet upstream of the Lackawaxen River confluence.	+957	Borough of Honesdale, Township of Berlin, Township of Dyberry, Township of Oregon, Township of Texas.
	Approximately 0.5 mile upstream of Highhouse Road	+1150	
Delaware River	At the Pike County boundary	+691	Township of Berlin, Township of Buckingham, Township of Damascus, Township of Manchester.
	At the West Branch Delaware River confluence	+904	
Equinunk Creek	At the Delaware River confluence	+871	Township of Buckingham, Township of Manchester.
	Approximately 1,300 feet upstream of Crooked Creek Road.	+1108	
Holbert Creek	Approximately 400 feet upstream of the Lackawaxen River confluence.	+942	Township of Berlin, Township of Texas.
	Approximately 0.6 mile upstream of Garrett Hill Road	+1177	
Little Equinunk Creek (backwater effects from Delaware River).	From the Delaware River confluence to approximately 1,230 feet upstream of the Delaware River confluence.	+815	Township of Manchester.
Middle Creek	Approximately 1.3 miles downstream of Middle Creek Road.	+1145	Township of Cherry Ridge, Township of Lake, Township of South Canaan.
	Approximately 0.5 mile upstream of Cortez Road	+1357	
Mill Creek	Approximately 50 feet upstream of the Wallenpaupack Creek confluence.	+1375	Township of Dreher.
	Approximately 1.2 miles upstream of South Sterling Road	+1601	
Moss Hollow Creek	Approximately 0.3 mile upstream of the West Branch Wallenpaupack Creek confluence.	+1289	Township of Salem.
	Approximately 1.8 miles upstream of Ledgedale Road	+1383	
South Branch Equinunk Creek	At the Equinunk Creek confluence	+908	Township of Manchester.
	Approximately 100 feet upstream of the Equinunk Creek confluence.	+910	
Tributary to Middle Creek	At the Middle Creek confluence	+1205	Township of South Canaan.
	Approximately 1.4 miles upstream of South Baker Road	+1396	
Van Auken Creek	At the Lake Ladore confluence	+1369	Borough of Waymart, Township of Canaan.
	Approximately 1,360 feet upstream of Roosevelt Highway	+1864	
West Branch Delaware River	At the Delaware River confluence	+904	Township of Buckingham, Township of Scott.
	At the Delaware County boundary	+952	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Borough of Honesdale
Maps are available for inspection at the Borough Municipal Building, 958 Main Street, Honesdale, PA 18431.

Borough of Waymart
Maps are available for inspection at the Borough Municipal Building, 116 South Street, Waymart, PA 18472.

Township of Berlin
Maps are available for inspection at the Berlin Township Municipal Building, 50 Milanville Road, Beach Lake, PA 18405.

Township of Buckingham
Maps are available for inspection at the Buckingham Township Municipal Building, 177 Travis Road, Starrucca, PA 18462.

Township of Canaan
Maps are available for inspection at the Canaan Township Municipal Building, 46 Gallik Road, Waymart, PA 18472.

Township of Cherry Ridge
Maps are available for inspection at the Cherry Ridge Township Municipal Building, 269 Spinner Road, Honesdale, PA 18431.

Township of Damascus
Maps are available for inspection at the Township Municipal Building, 60 Conklin Hill Road, Damascus, PA 18415.

Township of Dreher
Maps are available for inspection at the Dreher Township Municipal Building, 899 Main Street, Newfoundland, PA 18445.

Township of Dyberry

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) modified	Communities affected
Maps are available for inspection at the Dyberry Township Municipal Building, 44 Cabin Corner, Honesdale, PA 18431.			
Township of Lake			
Maps are available for inspection at the Lake Township Municipal Building, 1270 Easton Turnpike, Lake Ariel, PA 18436.			
Township of Manchester			
Maps are available for inspection at the Manchester Township Municipal Building, 3881 Hancock Highway, Equinunk, PA 18417.			
Township of Oregon			
Maps are available for inspection at the Oregon Township Municipal Building, 474 Fox Hill Road, Honesdale, PA 18431.			
Township of Salem			
Maps are available for inspection at the Salem Township Municipal Building, 3 Savitz Road, Moscow, PA 18444.			
Township of Scott			
Maps are available for inspection at the Scott Township Municipal Building, 197 Sherman Road, Susquehanna, PA 18847.			
Township of South Canaan			
Maps are available for inspection at the South Canaan Township Municipal Building, 46 Lake Quinn Road, Waymart, PA 18472.			
Township of Texas			
Maps are available for inspection at the Texas Township Municipal Building, 320 Shady Lane, Honesdale, PA 18431.			

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

James A. Walke,

Acting Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–02945 Filed 2–8–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2013–0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) modified	Communities affected
St. Helena Parish, Louisiana, and Incorporated Areas Docket No.: FEMA–B–1204 and B–1221			
Joseph Branch	Approximately 0.70 mile upstream of Kendrick Road	+189	Unincorporated Areas of St. Helena Parish.
	Approximately 0.90 mile upstream of Kendrick Road	+189	
Tickfaw River	Approximately 1.48 miles downstream of State Route 16	+110	Village of Montpelier.
	At the Twelvemile Creek confluence	+111	
Tributary of Tickfaw River	Approximately 1.14 miles upstream of the Tickfaw River confluence.	+115	Unincorporated Areas of St. Helena Parish.
	Approximately 1.68 miles upstream of the Tickfaw River confluence.	+119	
Twelvemile Creek	At the Tickfaw River confluence	+111	Village of Montpelier.
	At the upstream side of State Route 43	+112	
Ward Line Canal	Approximately 790 feet upstream of Sitman Road	+185	Town of Greensburg.
	Approximately 1,480 feet upstream of Sitman Road	+187	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Town of Greensburg
Maps are available for inspection at the Town Hall, 14560 Louisiana Highway 37, Greensburg, LA 70441.

Unincorporated Areas of St. Helena Parish
Maps are available for inspection at the St. Helena Parish Police Jury Administration Building, 17911 Louisiana Highway 43, Greensburg, LA 70441.

Village of Montpelier
Maps are available for inspection at the Town Hall, 36400 Louisiana Highway 16, Montpelier, LA 70422.

Susquehanna County, Pennsylvania (All Jurisdictions) Docket No.: FEMA–B–1232			
Choconut Creek	Approximately 0.9 mile downstream of Kellum Road	+1038	Township of Choconut.
	Approximately 1,430 feet upstream of State Route 267	+1275	
DuBois Creek	At the Susquehanna River confluence	+875	Borough of Hallstead, Township of Great Bend.
	Approximately 1.2 miles upstream of Steam Hollow Road	+1036	
Dundaff Creek	At the East Branch Tunkhannock Creek confluence	+1047	Township of Clifford.
	Approximately 0.6 mile upstream of State Route 106	+1093	
East Branch Tunkhannock Creek.	Approximately 0.8 mile downstream of LR 57037	+963	Township of Clifford, Township of Lenox.
	Approximately 1.7 miles upstream of State Route 106	+1083	
Salt Lick Creek	At the Susquehanna River confluence	+877	Borough of Hallstead, Borough of New Milford, Township of Great Bend, Township of New Milford.
	Approximately 0.4 mile upstream of State Route 1012	+1273	
Starrucca Creek	At the Susquehanna River confluence	+911	Borough of Lanesboro.
	At North Main Street	+911	
Susquehanna River	At the downstream New York state boundary	+872	Borough of Great Bend, Borough of Hallstead, Borough of Lanesboro, Borough of Oakland, Borough of Susquehanna Depot, Township of Great Bend, Township of Harmony, Township of Oakland.
	At the upstream New York state boundary	+918	
Trowbridge Creek	At the Susquehanna River confluence	+874	Township of Great Bend.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) modified	Communities affected
	At the New York state boundary	+982	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Borough of Great Bend
Maps are available for inspection at the Borough Building, 81 Elizabeth Street, Great Bend, PA 18821.

Borough of Hallstead
Maps are available for inspection at the Municipal Building, 101 Franklin Avenue, Hallstead, PA 18822.

Borough of Lanesboro
Maps are available for inspection at the Borough Hall, 418 Main Street, Lanesboro, PA 18827.

Borough of New Milford
Maps are available for inspection at the Borough Office, 948 Main Street, Suite 1, New Milford, PA 18834.

Borough of Oakland
Maps are available for inspection at the Oakland Borough Building, 15 Wilson Avenue, Susquehanna, PA 18847.

Borough of Susquehanna Depot
Maps are available for inspection at the Susquehanna Depot Borough Hall, 83 Erie Boulevard, Suite A, Susquehanna, PA 18847.

Township of Choconut
Maps are available for inspection at the Choconut Township Hall, 26499 State Route 267, Friendsville, PA 18818.

Township of Clifford
Maps are available for inspection at the Township Building, 119 Cemetery Street, Clifford, PA 18441.

Township of Great Bend
Maps are available for inspection at the Great Bend Township Building, 33253 State Route 151, Susquehanna, PA 18847.

Township of Harmony
Maps are available for inspection at the Harmony Township Office, 4197 Starrucca Creek Road, Susquehanna, PA 18847.

Township of Lenox
Maps are available for inspection at the Lenox Township Municipal Building, 2811 State Route 92, Kingsley, PA 18826.

Township of New Milford
Maps are available for inspection at the Township Building, 19730 State Route 11, New Milford, PA 18834.

Township of Oakland
Maps are available for inspection at the Oakland Township Building, 36 Riverside Drive, Susquehanna, PA 18847.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

James A. Walke,

Acting Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–02946 Filed 2–8–13; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 07–101; FCC 13–1]

Amendment of the Commission's Rules To Allocate Spectrum and Adopt Service Rules and Procedures To Govern the Use of Vehicle-Mounted Earth Stations in Certain Frequency Bands Allocated to the Fixed-Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) modifies its rules for Vehicle-Mounted Earth Stations (VMES) in order to promote greater flexibility for VMES operators, which, in turn, should enable the VMES industry to create more spectrally-efficient broadband solutions in the Ku-band without causing harmful interference to Fixed-Satellite Service (FSS) providers and without exposing the general public to harmful radiofrequency radiation.

DATES: Effective March 13, 2013.

FOR FURTHER INFORMATION CONTACT: Jennifer Balatan or Howard Griboff, Policy Division, International Bureau, (202) 418–1460.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order on Reconsideration,* adopted on January 4, 2013, and released on January 8, 2013 (FCC 13–1). The full text of this document is available for inspection and copying during normal business hours in the Commission Reference Center, 445 12th Street SW., Washington, DC 20554. The document is also available for download over the Internet at *http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-13-1A1.doc.* The complete text may also be purchased from the Commission's copy

contractor, Best Copy and Printing, in person at 445 12th Street SW., Room CY–B402, Washington, DC 20554, via telephone at (202) 488–5300, via facsimile at (202) 488–5563, or via email at *Commission@bcpiweb.com.*

Summary of the Order on Reconsideration

On June 30, 2009, the Commission adopted the *VMES Report and Order* in IB Docket No. 07–101 (*VMES Order*) (74 FR 57092–01, November 4, 2009, as amended at 75 FR 1285–01, January 11, 2010), establishing licensing and service rules for VMES operating in the 14.0–14.5 GHz/11.7–12.2 GHz (Ku-band) frequencies. In this *Order on Reconsideration* (*Reconsideration Order*), the Commission addresses three issues raised by the Petitioners with respect the VMES rules that the Commission adopted in the *VMES Order* to protect Fixed-Satellite Service (FSS) providers from harmful interference and to protect the general public from exposure to harmful radiofrequency radiation. First, the *Reconsideration Order* eases the technical requirements for a certain type of VMES system—a variable power-density VMES system—including modifying the off-axis effective isotropically radiated power (EIRP)-density provisions in section 25.226(a)(3) to enable these systems to operate their terminals more efficiently and effectively. Specifically, the *Reconsideration Order* grants the Petitioners' requests to give variable power-density VMES systems ALSAT authority. The *Reconsideration Order* also permits variable power-density VMES systems to operate terminals with varying levels of power-densities by defining N equal to 1 for these systems in the off-axis EIRP-density limits. The *Reconsideration Order* declines the Petitioners' proposals to eliminate the requirement for variable power-density VMES systems to maintain power-density 1 dB below the off-axis EIRP-density limits. Rather than eliminate the 1 dB requirement, the *Reconsideration Order* concludes that VMES applicants should request a waiver of the 1 dB requirement in order to allow those systems to improve spectral efficiency without compromising the FSS' protection. VMES applicants that seek a waiver of the 1 dB requirement must file a report regarding their system operations along with their waiver request. The *Reconsideration Order* also requires variable power-density VMES to cease or reduce transmissions if those VMES exceed the power-density limits for variable power-density systems. Second, the *Reconsideration Order* declines ViaSat's request to clarify the antenna pointing error provisions in the VMES rules. Third, the *Reconsideration Order* adopts ViaSat's proposal, in part, to relax the cessation of emission requirement in section 25.226(a)(9), a rule that is designed to minimize human exposure to radiofrequency radiation. The revisions should promote operational flexibility and spectral efficiency in the Ku-band. At the same time, these revisions should continue to ensure that the VMES operators protect the FSS operators from harmful interference and protect the general public from harmful exposure to radiofrequency radiation.

Final Regulatory Flexibility Certification—Reconsideration Order

The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for notice-and-comment rule making proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the U.S. Small Business Administration (SBA). In light of the rules adopted in the *VMES Order,* we find that there are only two categories of licensees that would be affected by the new rules. These categories of licensees are Satellite Telecommunications and Fixed-Satellite Transmit/Receive Earth Stations. The SBA has determined that the small business size standard for Satellite Telecommunications is a business that has $15 million or less in average annual receipts. Commission records reveal that there are 20 space station licensees and operators in the Ku-band. We do not request or collect annual revenue information concerning such licensees and operators, and thus are unable to estimate the number of geostationary space station licensees and operators that would constitute a small business under the SBA definition cited above, or apply any rules providing special consideration for geostationary space station licensees and operators that are small businesses. Currently there are approximately 2,879 operational fixed-satellite transmit/received earth stations authorized for use in the Ku-band. The Commission does not request or collect annual revenue information, and thus is unable to estimate the number of earth stations that would constitute a small business under the SBA definition. Of the two classifications of licensees, we estimate that only 10 entities will provide VMES service. For the reasons described below, we certify that the policies and rules adopted in this *Reconsideration Order* will not have a significant economic impact on a substantial number of small entities.

In the *VMES Order,* the Commission adopted domestic U.S. allocation, service and licensing rules (VMES rules) that allow VMES to operate in the conventional and extended Ku-band frequencies while adhering to the Commission's two-degree satellite spacing interference avoidance requirements of the Ku-band FSS. The ''conventional'' Ku-band refers to frequencies in the 11.7–12.2 GHz (downlink) and 14.0–14.5 GHz (uplink) bands and the covered ''extended Ku-band'' includes the 10.95–11.2 GHz and 11.45–11.7 GHz (downlink) bands. The VMES rules enable the VMES to operate as a primary application of the FSS in the conventional bands. In the extended band frequencies, VMES may be authorized to communicate with geostationary satellite orbit FSS space stations but must accept interference from stations of the Fixed Service (FS) operating in accordance with the Commission's rules. The VMES rules promote spectrum sharing with certain secondary incumbent services in the uplink bands, including government space research service and radio astronomy service.

The Commission does not expect small entities to incur significant costs associated with the changes adopted in this *Reconsideration Order.* The changes will benefit both large and small entities by allowing greater operational flexibility in providing VMES service. We believe these requirements are nominal and do not impose a significant economic impact on small entities. Therefore, we certify that the requirements adopted in this *Reconsideration Order* will not have a significant economic impact on a substantial number of small entities.

Final Paperwork Reduction Act of 1995 Analysis—Reconsideration Order

This *Reconsideration Order* does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition,

therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). The Commission will send a copy of this *Reconsideration Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Ordering Clauses

It is ordered that, pursuant to Sections 4(i), 7, 302, 303(c), 303(e), 303(f) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157, 302, 303(c), 303(e), 303(f) and 303(r), this Order on Reconsideration *is adopted.* Part 25 of the Commission's Rules *is amended* March 13, 2013.

It is further ordered that the Petition for Reconsideration filed by The Boeing Company *is granted* in part to the extent described above and *is denied* in all other respects.

It is further ordered that the Petition for Reconsideration filed by ViaSat, Inc. *is granted* in part to the extent described above and *is denied* in all other respects.

It is further ordered that the Final Regulatory Flexibility Certification, as required by Section 604 of the Regulatory Flexibility Act, *is adopted.*

It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order on Reconsideration including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

The Commission will send a copy of this *Order on Reconsideration* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 25

Satellites.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed above, the Federal Communications Commission amends 47 CFR part 25 as follows:

PART 25—SATELLITE COMMUNICATIONS

■ 1. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 701–744. Interprets or applies Sections 4, 301, 302, 303, 307, 309 and 332 of the Communications Act, as amended, 47 U.S.C. Sections 154, 301, 302, 303, 307, 309, 332, unless otherwise noted.

■ 2. Amend Section 25.226 as follows:
■ a. Revise the introductory text of paragraphs (a)(1)(ii) and (iii);
■ b. Revise paragraph (a)(3)(i);
■ c. Remove paragraph (a)(3)(iii);
■ d. Revise paragraph (a)(9);
■ e. Revise paragraph (b)(3)(i);
■ f. Remove paragraph (b)(3)(iii);
■ g. Revise the last sentence of paragraph (b)(8); and
■ h. Add paragraph (b)(9).

The revisions and addition read as follows:

§ 25.226 Blanket Licensing provisions for domestic, U.S. Vehicle-Mounted Earth Stations (VMESs) receiving in the 10.95–11.2 GHz (space-to-Earth), 11.45–11.7 GHz (space-to-Earth), and 11.7–12.2 GHz (space-to-Earth) frequency bands and transmitting in the 14.0–14.5 GHz (Earth-to-space) frequency band, operating with Geostationary Satellites in the Fixed-Satellite Service

(a) * * *

(1) * * *

(ii) Except for VMES systems operating under paragraph (a)(3), each VMES transmitter must meet one of the following antenna pointing error requirements:

* * * * *

(iii) Except for VMES systems operating under paragraph (a)(3), each VMES transmitter must meet of one the following cessation of emission requirements:

* * * * *

(3) * * *

(i) The effective aggregate EIRP-density from all terminals shall be at least 1 dB below the off-axis EIRP-density limits defined in paragraph (a)(1)(i) of this section, with the value of N=1. In this context the term ''effective'' means that the resultant co-polarized and cross-polarized EIRP-density experienced by any GSO or non-GSO satellite shall not exceed that produced by a single transmitter operating 1 dB below the limits defined in paragraph (a)(1)(i) of this section. The individual VMES transmitter shall automatically cease emissions within 100 milliseconds if the VMES transmitter exceeds the off-axis EIRP-density limits minus 1 dB specified above. If one or more VMES transmitters causes the aggregate off-axis EIRP-densities to exceed the off-axis EIRP-density limits minus 1 dB specified above, then the transmitter or transmitters shall cease or reduce emissions within 100 milliseconds of receiving a command from the system's network control and monitoring center. A VMES system operating under this subsection shall provide a detailed demonstration as described in paragraph (b)(3)(i) of this section.

* * * * *

(9) Each VMES terminal shall automatically cease transmitting upon the loss of synchronization or within 5 seconds upon loss of reception of the satellite downlink signal, whichever is the shorter timeframe.

(b) * * *

(3) * * *

(i) The applicant shall make a detailed showing of the measures it intends to employ to maintain the effective aggregate EIRP-density from all simultaneously transmitting co-frequency terminals operating with the same satellite transponder at least 1 dB below the off-axis EIRP-density limits defined in paragraphs (a)(1)(i)(A) through (C) of this section. In this context the term ''effective'' means that the resultant co-polarized and cross-polarized EIRP-density experienced by any GSO or non-GSO satellite shall not exceed that produced by a single VMES transmitter operating at 1 dB below the limits defined in paragraphs (a)(1)(i)(A) through (C) of this section. The applicant also must demonstrate that an individual transmitter and the entire VMES system is capable of automatically ceasing emissions within 100 milliseconds if the aggregate off-axis EIRP-densities exceed the off-axis EIRP-density limits minus 1 dB, as set forth in paragraph (a)(3)(i) of this section. The International Bureau will place this showing on public notice along with the application.

* * * * *

(8) * * *. All VMES applicants shall demonstrate that their VMES terminals are capable of automatically ceasing transmissions upon the loss of synchronization or within 5 seconds upon loss of reception of the satellite downlink signal, whichever is the shorter timeframe.

(9) Except for VMES systems operating pursuant to paragraphs (a)(2) and (a)(3)(ii) of this section, VMES systems authorized pursuant to this section shall be eligible for a license that lists ALSAT as an authorized point of communication.

* * * * *

[FR Doc. 2013–03020 Filed 2–8–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 25 and 27

[WT Docket No. 07–293; IB Docket No. 95–91; FCC 12–130]

Operation of Wireless Communications Services in the 2.3 GHz Band; Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission affirms, modifies, and clarifies its actions in response to various petitions for reconsideration and/or clarification. The revised rules are intended to enable Wireless Communications Service (WCS) licensees to deploy broadband services in the 2305–2320 MHz and 2345–2360 MHz (2.3 GHz) WCS bands while continuing to protect Satellite Digital Audio Radio Service (SDARS) operator Sirius XM Radio Inc. (Sirius XM) and aeronautical mobile telemetry (AMT) operations in adjacent bands and the deep space network (DSN) earth station in Goldstone, California from harmful interference. In addition, the revised rules will facilitate the flexible deployment and operation of SDARS terrestrial repeaters in the 2320–2345 MHz SDARS band, while protecting adjacent bands WCS licensees from harmful interference.

DATES: Effective March 13, 2013, except for §§ 25.263(b), 27.72(b), and 27.73(a), which contain information collection requirements that are not effective until approved by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing the effective dates for those sections. The Director of the **Federal Register** will approve the incorporation by reference in § 27.73(a) concurrently with the published office of Management and Budget approval of this section.

FOR FURTHER INFORMATION CONTACT: WCS technical information: Moslem Sawez, *Moslem.Sawez@fcc.gov,* Mobility Division, Wireless Telecommunications Bureau, (202) 418–8211. WCS legal information: Linda Chang, *Linda.Chang@fcc.gov* Mobility Division, Wireless Telecommunications Bureau, (202) 418–1339. SDARS technical information: Chip Fleming, *Chip.Fleming@fcc.gov,* Engineering Branch, Satellite Division, International Bureau, (202) 418–1247. SDARS legal information: Stephen Duall, *Stephen.Duall@fcc.gov,* Policy Branch, Satellite Division, International Bureau, (202) 418–1103. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Linda Chang at (202) 418–1339, or via the Internet at *Linda.Chang@fcc.gov* and Stephen Duall at (202) 418–1103, or via the Internet at *Stephen.Duall@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order on Reconsideration* in WT Docket No. 07–293 and IB Docket No. 95–91, FCC 12–130, adopted and released October 17, 2012. The full text of this document is available on the Commission's Internet site at www.fcc.gov. It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The *Order on Reconsideration* also may be purchased from the Commission's duplication contractor, Best Copy and Printing Inc., Portals II, 445 12th St. SW., Room CY–B402, Washington, DC 20554; telephone (202) 488–5300; fax (202) 488–5563; email *FCC@BCPIWEB.COM.*

Summary

I. Introduction and Executive Summary

1. The *Order on Reconsideration* in WT Docket No. 07–293 and IB Docket No. 95–91 addressed five petitions for reconsideration of the *2010 WCS R&O and SDARS 2nd R&O,* 75 FR 45058, August 2, 2010, filed by ARRL, the national association for Amateur Radio (ARRL), AT&T Inc. (AT&T), Sirius XM, Stratos Offshore Services Company (Stratos), and the WCS Coalition. The *2010 WCS R&O* modified the technical rules and performance (*i.e.,* buildout) requirements for the WCS in the 2305–2320 MHz and 2345–2360 MHz bands; the *SDARS 2nd R&O* established technical and licensing rules for SDARS terrestrial repeaters in the 2320–2345 MHz band. The petitions sought reconsideration, clarification, or both of the Commission's decisions in the *2010 WCS R&O and SDARS 2nd R&O* regarding: (a) WCS base and fixed stations' ground level emissions limit, (b) fixed WCS customer premises equipment (CPE) power and power spectral density (PSD) limits, bands of operation, and outdoor antenna use, (c) distinction between fixed WCS CPE and fixed WCS point-to-point stations, (d) mobile and portable devices' PSD and out-of-band emissions (OOBE) limits, (e) restrictions on WCS frequency division duplexing (FDD) mobile and portable devices' bands of operation, (f) WCS mobile and portable devices' and fixed WCS CPE duty cycle limits, (g) WCS protection of Amateur Radio Service (ARS) operations and WCS base/fixed stations' and mobile devices' OOBE limits in the 2300–2305 MHz band, (h) WCS coordination, notification, and interference mitigation requirements; base station separation distance, (i) WCS performance requirements, (j) WCS/SDARS coordination zones, (k) interference protection for WCS from SDARS terrestrial repeaters, and (l) WCS and SDARS licensees' duty to cooperate in sharing information and preventing/mitigating interference. The revised rules are consistent with a June 15, 2012 compromise proposal between WCS licensee AT&T Inc. and Sirius XM designed to facilitate the efficient deployment and coexistence of the WCS and SDARS.

2. For the WCS, the *Order on Reconsideration*

- Established maximum design ground power level targets on roadways for WCS base and fixed station operations of –44 dBm in WCS Blocks A (2305–2310 MHz and 2350–2355 MHz) and B (2310–2315 MHz and 2355–2360 MHz) and –55 dBm in WCS Blocks C (2315–2320 MHz) and D (2345–2350 MHz) to serve as triggers for interference resolution if exceeded on roadways and harmful interference (*i.e.,* muting) to SDARS operations occurs;
- Established conditions on roadways constituting harmful interference to SDARS operations from WCS operations requiring WCS and SDARS operators to work cooperatively to resolve;
- Denied a petition to establish a specific distance at which an SDARS subscriber is expected to tolerate muting of SDARS signals by WCS base station transmitters;
- Eliminated the frequency band restrictions on WCS FDD base stations prohibiting transmissions in the lower WCS blocks (2305–2320 MHz);
- Clarified that point-to-point and point-to-multipoint WCS fixed stations operated and controlled by the WCS licensee and that comply with the WCS base and fixed station power and emissions limits are not considered to be fixed WCS CPE;
- Denied a petition to establish reduced power limits for low-power fixed WCS CPE (*i.e.,* CPE with average equivalent isotropically radiated power (EIRP) of 2 Watts or less) operating with the relaxed OOBE limits applicable to WCS mobile and portable devices;
- Denied a petition to establish PSD limits for all fixed WCS CPE;

• Denied a petition to establish guard bands in WCS Blocks C and D for fixed WCS CPE;

• Relaxed the restrictions on outdoor and outdoor antenna use for low-power fixed WCS CPE operating with the OOBE limits applicable to WCS mobile and portable devices under certain circumstances;

• Removed the restrictions on outdoor and outdoor antenna use for low-power fixed CPE operating with the more restrictive OOBE limits applicable to WCS base and fixed stations;

• Eliminated the PSD limits for WCS mobile and portable devices using appropriate uplink (user device to base station) transmission technology (*e.g.,* 3rd Generation Partnership Project Long Term Evolution (3GPP LTE);

• Denied a petition requesting further restrictions on WCS mobile and portable device OOBE limits;

• Denied a petition requesting removal of the restriction prohibiting WCS mobile and portable devices using FDD technology from transmitting in the upper WCS spectrum blocks (2345–2360 MHz) adjacent to the AMT spectrum;

• Prohibited WCS mobile and portable devices from transmitting in all portions of WCS Blocks C (2315–2320 MHz) and D (2345–2350 MHz);

• Eliminated the duty cycle limits on fixed WCS CPE and WCS mobile and portable devices using FDD technology;

• Denied a petition to eliminate the 38 percent duty cycle limit for fixed WCS CPE and WCS mobile and portable devices using time division duplexing (TDD) technology;

• Clarified the bands of applicability for WCS base, fixed, and fixed CPE station, and WCS mobile and portable device OOBE limits;

• Declined to address a petition regarding the interference protection rights of secondary Amateur Radio Service operations in the 2300–2305 MHz band adjacent to primary WCS operations in the 2305–2320 MHz band;

• Exempted low-power WCS stations (EIRP less than 2 Watts) from the WCS licensee notification requirements and relaxed the WCS licensee notification requirements for minor WCS station modifications;

• Clarified that WCS fixed stations are part of the WCS licensee coordination and notification processes;

• Lengthened by 6 months and restarted the WCS construction periods to enable WCS licensees to respond to the rule revisions;

• Denied petitions to eliminate the automatic WCS license forfeiture provisions for failure to comply with the WCS performance requirements;

• Denied petitions to replace the coverage-based performance requirements for WCS Blocks C (2315–2320 MHz) and D (2345–2350 MHz) with substantial service requirements;

• Encouraged WCS licensees to enter into coordination agreements with SDARS licensees for interference mitigation.

3. For the SDARS, the *Order on Reconsideration*

• Denied a petition to modify the site-by-site licensing procedures for high power SDARS terrestrial repeaters that are not eligible for blanket licensing (*e.g.,* repeaters with average EIRP greater than 12 kilowatts (kW));

• Maintained the option to authorize SDARS terrestrial repeaters that are not eligible for blanket licensing;

• Modified the definition of which WCS licensees would be potentially affected by SDARS terrestrial repeaters operating with high power or relaxed OOBE limits;

• Excepted low-power terrestrial repeaters (*i.e.,* repeaters with EIRP less than 2 Watts) from SDARS licensee notification requirements;

• Relaxed SDARS licensee notification requirements for minor modifications to SDARS terrestrial repeaters;

• Encouraged SDARS licensees to enter into coordination agreements with WCS licensees for interference mitigation.

II. Order on Reconsideration in WT Docket No. 07–293

A. WCS Base and Fixed Stations

4. *Emissions and Circumstances Requiring Coordination to Resolve Interference.* To foster deployment of innovative broadband services in the WCS spectrum and further mitigate the risk of harmful interference to SDARS operations, the *Order on Reconsideration* adopted AT&T's and Sirius XM's proposed roadway signal levels and harmful interference conditions to SDARS operations on roadways which would trigger coordinated efforts between WCS and SDARS licensees to mitigate the interference. Specifically, WCS and SDARS operators would work cooperatively to resolve harmful interference in a location where a WCS signal level is present on a roadway at a level greater than −44 dBm in the WCS A or B Blocks, or −55 dBm in the WCS C or D Blocks, and a test demonstrates that the SDARS customer would be muted over a road distance of greater than 50 meters; or for a mutually agreeable drive test route, if the ground signal level on roadways exceeds −44 dBm in the WCS A or B Blocks, or −55 dBm in the WCS C or D Blocks, for more than 1 percent of the cumulative surface road distance on that drive route, and a test demonstrates that the SDARS customer would be muted over a cumulative road distance of greater than ½ of 1 percent (incremental to any muting present prior to use of WCS frequencies in the area of that drive test). The *Order on Reconsideration* denied Sirius XM's petition to establish a specific separation distance at which an SDARS subscriber is expected to tolerate muting by WCS base station operations.

5. *Bands of Operation.* To provide WCS licensees with more flexibility to enhance service to the public and support FDD downlink carrier aggregation, in response to AT&T's request in its petition for reconsideration and consistent with AT&T's and Sirius XM's request in their June 15, 2012 joint submission, the Commission decided in the *Order on Reconsideration* that WCS FDD base stations may also transmit in the lower WCS blocks at 2305–2320 MHz in addition to operating in the upper WCS bands at 2345–2360 MHz, subject to the power and OOBE attenuation factors adopted for WCS base station operations in those bands. The Commission agreed with AT&T and Sirius XM that such operations would not increase the potential for harmful interference to adjacent-band services and there is no need to restrict their operation to the upper WCS bands (2345–2360 MHz).

6. *Point-To-Point/Point-To-Multipoint Station Description Clarification.* In the *Order on Reconsideration,* the Commission agreed with Stratos and the WCS Coalition that fixed WCS point-to-point stations that are controlled and operated by the WCS licensee and comply with the power levels and spectral mask (*i.e.,* OOBE limits) applicable to WCS base and fixed stations are not considered to be fixed WCS CPE, regardless of where the transmission equipment is installed. In addition, because fixed WCS CPE stations' operations commenced several years before the Commission adopted the *2010 WCS R&O* in May 2010, and the Commission has not received reports of harmful interference to SDARS receivers due to their operation, the Commission decided that testing of all potential fixed WCS CPE applications, as suggested by Sirius XM, was not needed to clarify that fixed WCS point-to-point and point-to-multipoint stations that are controlled and operated by the WCS licensee and comply with the power levels and spectral mask applicable to WCS base

and fixed stations are not considered to be fixed WCS CPE. Therefore, the *Order on Reconsideration* clarified that fixed WCS fixed WCS point-to-point stations and point-to-multipoint stations that are controlled and operated by the WCS licensee and that comply with the more restrictive OOBE attenuation factors applicable to WCS base and fixed stations are not considered to be fixed WCS CPE, regardless of where the equipment is installed.

B. Fixed WCS Customer Premises Equipment

7. *Power and Power Spectral Density Limits.* The signal attenuation from the propagation losses due to the likely separation distances between low-power fixed WCS CPE and SDARS receivers, coupled with the requirement to employ automatic transmit power control (ATPC), which is used to prevent inter-cell interference (*i.e.,* interference to adjacent cells base stations receiving on the same frequencies), will help limit the potential for harmful interference (*i.e.,* interference which seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service) from fixed WCS CPE to SDARS receivers receiving unwanted energy in the adjacent band. Thus, the Commission disagreed with Sirius XM that low-power fixed WCS CPE operating with the OOBE attenuation factors applicable to WCS mobile devices should be restricted to a maximum EIRP of 250 mW. In addition, although most 2.3 GHz-band fixed WCS CPE devices have been authorized for and are operating at 1 to 2 W EIRP, and some fixed WCS CPE devices have been authorized for and are operating at up to 20 W EIRP, which occurred before we relaxed the OOBE limits for fixed WCS CPE, SDARS licensees have not reported any instances of harmful interference due to this fixed WCS CPE. For these reasons, the Commission decided that maintaining the average EIRP at 2 W or less for low-power fixed WCS CPE operating with the same OOBE limits as WCS mobile and portable devices will not result in harmful interference to SDARS receivers. Therefore, the *Order on Reconsideration* declined to restrict the maximum allowed power of low-power fixed WCS CPE operating with the same OOBE limits as WCS mobile and portable devices to 250 mW, and denied that portion of Sirius XM's petition.

8. Furthermore, because imposition of a PSD limit on fixed WCS CPE would likely preclude the provision of fixed WCS services by making it uneconomical to provide the necessary base station coverage, the Commission also declined to impose a PSD limit of 4 W/MHz on fixed WCS CPE, as requested by Sirius XM. In support of this decision, the Commission noted that the *2010 WCS R&O* significantly reduced the potential for fixed WCS CPE to cause harmful interference to SDARS receivers by reducing the maximum allowed EIRP for these devices from 2 kW over any bandwidth to 20 W/5 MHz and that Sirius XM had previously claimed that its receivers, which were designed prior to adoption of the *2010 WCS R&O,* provide excellent adjacent band blocking performance. In addition, because of the likely sources of blockages—foliage, building walls, parked and moving vehicles, etc.—that will attenuate fixed WCS CPE devices' signals, if fixed WCS CPE were allowed to continue using up to 20 W/5 MHz peak EIRP without a specific per-megahertz PSD limit, the Commission determined that SDARS licensees are not likely to experience harmful interference from the operation of these devices. The Commission also affirmed that if WCS licensees were to aggregate spectrum for fixed WCS CPE, the power level in any 5-megahertz bandwidth would not be permitted to exceed 20 W.

9. The Commission further noted that the technologies that are being considered to provide WCS service—Long Term Evolution (LTE), Worldwide Interoperability for Microwave Access (WiMAX), and Wideband-Code Division Multiple Access (W–CDMA)—spread user devices' signals across the channel bandwidth and control the power of the RF subcarriers assigned to a particular device to prevent self-interference. Thus, even absent a specific PSD limit for fixed WCS CPE, the Commission determined that WCS licensees' efforts to prevent self-interference would effectively limit the PSD of fixed WCS CPE and further mitigate the potential for harmful interference to SDARS receivers. Finally, because wireless networks are typically initially designed for coverage and subsequently for capacity, the size of WCS cell sites is likely to decrease over time, which will decrease the maximum power transmitted by WCS CPE and ultimately lower these devices' resultant PSD. For these reasons, the *Order on Reconsideration* denied Sirius XM's request to impose a PSD limit of 4 W/MHz on fixed WCS CPE.

10. *Bands of Operation.* Sirius XM's petition regarding the establishment of guard bands for fixed WCS CPE in the 2.5-megahertz portions of WCS Blocks C and D nearest the SDARS band (*i.e.,* 2317.5 MHz–2320 MHz and 2345–2347.5 MHz) asserted arguments that Sirius XM raised—and the Commission considered and rejected—in the *2010 WCS R&O.* The Commission declined to revisit those contentions in the *Order on Reconsideration.* Sirius XM failed to present any new evidence that would compel the Commission to reconsider its previous findings. Moreover, it is ''settled Commission policy that petitions for reconsideration are not to be used for the mere re-argument of points previously advanced and rejected.'' Thus, the *Order on Reconsideration* denied that portion of Sirius XM's petition.

11. *Outdoor and Outdoor Antenna Use.* In response to AT&T's and the WCS Coalition's petitions for reconsideration, the Commission decided in the *Order on Reconsideration* to remove the restrictions on low-power fixed WCS CPE operating with the stepped emission mask applicable to WCS mobile devices that prohibited such equipment from being used outdoors or with outdoor antennas. Consistent with the request in AT&T's and Sirius XM's June 15, 2012 compromise proposal, if low-power fixed WCS CPE operating with the OOBE limits applicable to WCS mobile devices is professionally installed in locations that are removed by 20 meters from roadways or in locations where it can be shown that the ground power level of −44 dBm in WCS Blocks A and B or −55 dBm in WCS Blocks C and D will not be exceeded at the nearest road location, then such equipment may be used outdoors and with outdoor antennas. The Commission also decided to remove the prohibitions on the use of low-power fixed WCS CPE outdoors and with outdoor antennas if the fixed WCS CPE complies with the more restrictive OOBE attenuation factors applicable to WCS base and fixed stations. The Commission determined that if used outdoors or with outdoor antennas, low-power fixed WCS CPE that is professionally installed or that meets the more restrictive OOBE attenuation factors applicable to WCS base and fixed stations will avert the discontinuance of existing WCS service, foster the provision of wireless broadband services, especially in unserved and underserved areas, and enhance user experience without causing harmful interference to SDARS receivers. It also determined that the signal attenuation due to the separation distances and outdoor blockages (*i.e.,* building walls and other structures in urban settings; trees) that are likely to exist between low-power fixed WCS CPE transmitters and SDARS receivers and the requirement to use ATPC,

would help limit the potential for harmful interference to SDARS receivers from low-power fixed WCS CPE being used outdoors or with outdoor antennas.

C. WCS Mobile and Portable Devices

12. *Power Spectral Density Limit.* In response to AT&T's and the WCS Coalition's petitions for reconsideration and consistent with the request in AT&T's and Sirius XM's June 15, 2012 compromise proposal, in the *Order on Reconsideration,* the Commission decided to eliminate the PSD limit for WCS mobile devices that operate with bandwidths greater than or equal to 5 megahertz in WCS Blocks A and B and use an appropriate uplink transmission technology (*e.g.,* 3GPP LTE). In support of this decision, the Commission noted that in cellular systems, mobile device transmit (*i.e.,* uplink) power control is a key radio resource management function for improving system capacity, coverage, and user quality (data rate or voice quality), lowering battery consumption, and controlling interference to adjacent cells of the same system, and per-megahertz PSD limits are not standardized for wideband wireless technologies such as W–CDMA, WiMAX, or LTE. Instead of controlling mobile devices' transmit power on a per-megahertz basis, LTE technology is designed to control mobile devices' transmit power by dynamically allocating spectrum resources, known as Physical Resource Blocks (PRBs), among mobile devices and setting the power levels of these PRBs on a frame-by-frame basis. Similarly, despite having different uplink physical layer and transmission schemes, WiMAX technology controls mobile devices' transmit power by uniformly distributing the uplink transmissions from a given mobile device across the operating channel bandwidth and controlling the power of the radio frequency (RF) subcarriers assigned to a particular device. In Wideband Code Division Multiple Access (W–CDMA), also known as Universal Mobile Telecommunication System (UMTS), networks, to balance the power received at the base station from all mobile devices to within a few decibels (dB) and optimize system performance, uplink power control information is transmitted from the base station in every time slot to control the power transmitted in each data channel frame assigned to a particular mobile device.

13. Therefore, in the same manner that uplink power control is used in LTE, WiMAX, and W–CDMA networks to optimize system performance, the Commission found that WCS licensees may use LTE, WiMAX, and W–CDMA technologies' uplink power control algorithms to effectively limit the PSD of WCS mobile devices to avoid self-interference, maximize the capacity and efficiency of the network, and mitigate the risk that these devices will cause harmful interference to SDARS receivers. Although the PSD of WCS mobile devices may occasionally exceed 50 mW/MHz, the Commission concluded that such instances would be rare and short lived. It also concluded that WCS licensees could control WCS mobile devices' transmitter power via power control, signal spreading, and/or other signal modulation techniques to prevent these devices from concentrating power greater than 50 mW/MHz in narrow segments of bandwidth that are near the SDARS band to avoid causing harmful interference to SDARS receivers.

14. For these reasons, the *Order on Reconsideration* eliminated the 50 mW/MHz PSD limit for WCS mobile devices that operate in the WCS A and B Blocks (2305–2315 MHz and 2350–2360 MHz) and employ single carrier frequency-division multiple access (SC FDMA) or similar technology. However, to address Sirius XM's concerns that WCS licensees' mobile devices could transmit more power than they could otherwise transmit in a 5-megahertz block by aggregating spectrum blocks and consistent with the WCS Coalition's assertion that a WiMAX or LTE mobile device's transmit power is uniformly distributed across the available channel bandwidth, the *Order on Reconsideration* clarified that WCS mobile devices are limited to a maximum EIRP of 250 mW for any bandwidth greater than or equal to 5 megahertz.

15. *Out-of-Band Emissions Limits.* Sirius XM's petition regarding the OOBE limits for WCS mobile devices in the 2320–2345 MHz SDARS band asserted numerous arguments that Sirius XM raised—and the Commission considered and rejected—in the *2010 WCS R&O.* The Commission declined to revisit those contentions in the *Order on Reconsideration.* Sirius XM failed to present any new evidence that would compel the Commission to reconsider its previous findings. Moreover, it is ''settled Commission policy that petitions for reconsideration are not to be used for the mere re-argument of points previously advanced and rejected.'' Thus, the *Order on Reconsideration* denied the portion of Sirius XM's petition to further restrict the OOBE limits for WCS mobile and portable devices in the 2320–2345 MHz band.

16. *Bands of Operation.* The Commission declined to remove the restriction that WCS mobile devices using FDD technology may not transmit in the upper WCS A and B Blocks and the 2.5-megahertz portion of the WCS D Block furthest removed from the SDARS band (2347.5–2360 MHz), as requested by AT&T. The Commission determined that restricting WCS FDD mobile devices from transmitting in the upper WCS blocks at 2347.5–2360 MHz band would provide added protection from harmful interference to adjacent-band AMT receivers that operate in the 2360–2395 MHz band. Therefore, the *Order on Reconsideration* denied the portion of AT&T's petition requesting that WCS mobile devices be allowed to operate in the upper WCS bands at 2347.5–2360 MHz.

17. However, although the Commission determined in the *2010 WCS R&O* that the potential for harmful interference to SDARS receivers from mobile transmitters operating in the 2.5-megahertz portions of WCS Blocks C and D furthest removed from the SDARS band was negligible, in their June 15, 2012 joint agreement, AT&T and Sirius XM asserted that mobile operations in WCS Blocks C and D hold the most potential to cause harmful interference to satellite radio consumers. In their June 15, 2012 compromise proposal, AT&T and Sirius XM agreed that expanding the guard bands for WCS mobile and portable device transmissions to encompass all of WCS Blocks C and D would further reduce the risk that operation of WCS mobile transmitters in these bands could pose an unacceptable interference threat to SDARS reception. Thus, to further mitigate the potential for harmful interference to SDARS operations, the Commission decided to prohibit WCS mobile and portable transmitters from operating in all portions of WCS Blocks C and D. The Commission decided that this action would, in effect, provide a 5-megahertz transition band for SDARS receivers at each end of the SDARS band that would further decrease the potential for harmful interference to SDARS operations from WCS mobile devices operating in adjacent spectrum, while permitting the C and D Blocks spectrum to be used for WCS base stations or fixed services. Coupled with the relaxed PSD and duty cycle limits that the Commissions adopted in the *Order on Reconsideration* for WCS mobile devices, the Commission believed that this action would provide added interference protection to SDARS operations while advancing the Commission's goal of making mobile

broadband services over the WCS spectrum widely available.

18. The Commission's adoption of this approach also furthered its resolution of the interference protection matters raised in Sirius XM's petition for reconsideration. The Commission first provided notice that it was considering the issue of interference management between the WCS and SDARS in the *2001 Public Notice* in this proceeding, in which the Commission sought comment on requiring SDARS licensees to operate their repeaters in frequency bands at least 4 megahertz away from the edge of their licensed frequency bands, among other things. That issue remained in play with the timely filing of the Sirius XM Reconsideration Petition challenging the Commission's decision in the *2010 WCS R&O* to adopt a different approach.

D. WCS Mobile, Portable, and Fixed CPE Duty Cycle Limits

19. To facilitate the deployment of broadband services in WCS spectrum, the Commission decided in the *Order on Reconsideration* to eliminate the duty cycle requirements for WCS mobile, portable, and fixed CPE employing FDD-based technology, consistent with AT&T's and Sirius XM's request in their June 15, 2012 compromise proposal. The Commission agreed with AT&T that the activity factor of a WCS mobile device is not a factor in determining potential interference to SDARS receivers that warrants a 25 percent duty cycle for WCS mobile and portable devices in WCS Blocks A and B, as the Commission determined in the *2010 WCS R&O*. It also agreed with AT&T's and Sirius XM's assertions that adjacent-band WCS FDD operations will have minimal impact on the SDARS receivers' automatic gain control (AGC) circuitry because they involve no intermittent pulsing. However, based on Commission staff's analysis of the record and reinforced by the results of the testing in Ashburn, Virginia, the Commission decided to maintain the 38 percent duty cycle limit for WCS mobile devices using TDD-based technologies.

20. Regarding Sirius XM's argument that the 38 percent duty cycle limit for TDD-based devices established in *2010 WCS R&O* was not supported by the record in this proceeding, the Commission noted that its decision to adopt a 38 percent duty cycle for TDD-based WCS user devices was a tradeoff based on its analysis of the record leading up to adoption of the 2010 WCS rules and the WCS/SDARS testing in Ashburn, Virginia. The Commission decided in 2010 to round up the permitted TDD duty cycle from the 35 percent used in the Ashburn, Virginia testing to 38 percent to allow for the majority of TDD profiles under an LTE or WiMAX technology selection, because the 35 percent duty cycle used during the testing only resulted in two isolated instances of negligible interference to SDARS receivers, not harmful interference that repeatedly interrupted the SDARS signal.

21. The Commission also declined to limit WCS mobile devices' transmissions to every other 5 millisecond (ms) frame as Sirius XM requested in its petition. As determined by the Commission's analyses and verified by the WCS/SDARS testing in Ashburn, Virginia, it found that the WCS mobile device's transmissions need not be limited to every other transmission frame to limit the potential for harmful interference to SDARS receivers, as requested by Sirius XM. However, to eliminate any uncertainty about how compliance with the duty cycle is measured, the Commission clarified its requirement that WCS subscriber devices' duty cycle be measured in a manner that is referenced directly to the frame duration for WCS technology being used. Specifically, industry standards for WiMAX and LTE technology specify frame lengths of 5 ms and 10 ms, respectively. Accordingly, for WCS networks using WiMAX technology, the duty cycle should be measured over a 5 ms frame; for WCS networks using LTE technology, the duty cycle should be measured over a 10 ms frame. For TDD technologies other than LTE and WiMAX, the duty cycle should be measured over a frame duration that is referenced directly to the technology being used.

E. WCS Out-of-Band Emissions Limit in the 2300–2305 MHz Amateur Radio Service Band

22. Regarding ARRL's petition requesting that the Commission require WCS licensees to be responsible for mitigating harmful interference to Amateur Radio Service operations in the 2300–2305 MHz band through operation of § 2.102(f) of the Commission's rules and AT&T's and the WCS Coalition's opposition, as a general matter, the Commission noted that the technical and operating rules that its adopts for a particular service are designed to prevent harmful interference (*i.e.,* interference which seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service) to other services that operate in adjacent bands and to establish the RF environment for adjacent band services to coexist. In the case of the WCS, the Commission initially determined that an attenuation factor of 43 + 10 log (P) dB (*i.e.,* a fixed limit of -43 dBW) below the transmitter output power P in Watts for WCS fixed and mobile devices' OOBE in the 2300–2305 MHz band would prevent interference to Amateur Radio Service operations in that band. The *2010 WCS R&O* did not alter WCS fixed and mobile devices' OOBE limit of -43 dBW in the 2300–2305 MHz band and thus did not reduce or otherwise modify the interference protection that the Commission previously established for ARS operations in that band. For this reason, the Commission saw no reason to address the specific arguments that ARRL, AT&T, and the WCS Coalition made regarding the operation of § 2.102(f) because the FCC's existing service and technical rules are already designed to account for WCS users operating adjacent to the ARS band. To the extent that ARRL was asking that the Commission revisit the attenuation factor originally established for the WCS and that was left unmodified in the *2010 WCS R&O,* the Commission concluded that such a request for reconsideration was not timely filed and was not appropriate for reconsideration.

23. *Clarification of Applicable Bands for Out-of-Band Emissions Limits.* To eliminate any confusion in the Commission's rules about where the OOBE limits for WCS base and fixed stations, mobile devices, and fixed WCS CPE must be met, the *Order on Reconsideration* clarified the frequency bands in which the 43 + 10 log (P) dB and other OOBE attenuation factors below the transmitter power P are applicable. Specifically, WCS base and fixed stations and fixed WCS CPE transmitting with an average EIRP greater than 2 Watts must attenuate their OOBE below the transmitter power P, as measured over a 1 megahertz resolution bandwidth, by a factor of not less than 43 + 10 log (P) dB on all frequencies between 2305–2320 MHz and between 2345–2360 MHz that are outside the licensed band(s) of operation, not less than 75 + 10 log (P) dB in the 2320–2345 MHz band, not less than 43 + 10 log (P) dB in the 2300–2305 and 2360–2362.5 MHz bands, not less than 55 + 10 log (P) dB in the 2362.5–2365 MHz band, not less than 70 + 10 log (P) dB in the 2287.5–2300 MHz and 2365–2367.5 MHz bands, not less than 72 + 10 log (P) dB in the 2285–2287.5 and 2367.5–2370 MHz bands, and not less than 75 + 10 log (P) dB below 2285 MHz and above 2370 MHz.

24. WCS mobile and portable devices operating in the WCS A and B Blocks and fixed WCS CPE transmitting with

an average EIRP of 2 Watts or less must attenuate their OOBE below the transmitter power P as measured over a 1 megahertz bandwidth, by a factor of not less than 43 + 10 log (P) dB on all frequencies between 2305–2320 MHz and between 2345–2360 MHz that are outside the licensed band(s) of operation, not less than 55 + 10 log (P) dB in the 2320–2324/2341–2345 MHz bands, not less than 61 + 10 log (P) dB in the 2324–2328/2337–2341 MHz bands, and not less than 67 + 10 log (P) dB in the 2328–2337 MHz band. In addition, WCS mobile and portable devices must attenuate their OOBE below the transmitter power P by a factor of not less than 43 + 10 log (P) dB in the 2300–2305 and 2360–2365 MHz bands, not less than 55 + 10 log (P) dB in the 2296–2300 MHz band, not less than 61 + 10 log (P) dB in the 2292–2296 MHz band, not less than 67 + 10 log (P) dB in the 2288–2292 MHz band, and not less than 70 + 10 log (P) dB below 2288 MHz and above 2365 MHz.

25. *Measurement Procedures.* The *Order on Reconsideration* clarified that measurements of the OOBE from WCS base, fixed, and fixed CPE stations and WCS mobile and portable devices made over a narrower resolution bandwidth than 1 megahertz (*e.g.,* 1 percent of the emission bandwidth) must be integrated over the full measurement bandwidth of 1 megahertz to determine compliance with the relevant out-of-band emissions limits. Specifically, compliance with the part 27 WCS emissions limits rules is based on the use of measurement instrumentation employing a resolution bandwidth of 1 MHz or greater. However, in the 1 MHz bands immediately outside and adjacent to the channel blocks at 2305, 2310, 2315, 2320, 2345, 2350, 2355, and 2360 MHz, a resolution bandwidth of at least 1 percent of the emission bandwidth of the fundamental emission of the transmitter may be employed. A narrower resolution bandwidth is permitted in all cases to improve measurement accuracy provided the measured power is integrated over the full required measurement bandwidth (*i.e.,* 1 MHz). The emission bandwidth is defined as the width of the signal between two points, one below the carrier center frequency and one above the carrier center frequency, outside of which all emissions are attenuated at least 26 dB below the transmitter power.

F. WCS Performance Requirements.

26. *Extension of WCS Construction Deadlines.* The *Order on Reconsideration* also lengthened by 6 months and restarted the WCS construction periods established in the *2010 WCS R&O* to enable WCS licensees to respond to the rule revisions while ensuring significant deployment of facilities in the near term. For mobile and point-to-multipoint systems in WCS Blocks A and B, and point-to-multipoint systems in WCS Blocks C and D, a licensee must provide reliable signal coverage and offer service to at least 40 percent of the license area's population within 48 months, and 75 percent within 78 months. For fixed point-to-point services, except those deployed in the Gulf of Mexico license area, licensees must construct and operate 15 point-to-point links per million persons (one link per 67,000 persons) in a license area within 48 months, and 30 links (one link per 33,500 persons) within 78 months. In those license areas where licensees demonstrate that 25 percent of the license area's population for Blocks A, B, or D is within an AMT coordination zone, alternative requirements are applicable for mobile and point-to-multipoint services. Specifically, affected licensees must serve 25 (rather than 40) percent of the population within 48 months, and 50 (rather than 75) percent within 78 months. For point-to-point systems deployed on any spectrum block in the Gulf of Mexico license area, a licensee must construct and operate a minimum of 15 point-to-point links within 48 months, and a minimum of 15 point-to-point links within 78 months. The construction periods currently applicable to existing WCS licensees will run from the effective date of the rule revisions adopted in the *Order on Reconsideration.*

27. *Coverage Requirements Instead of Substantial Service.* The Commission's decision in the *2010 WCS R&O* to migrate away from substantial service requirements was based upon a careful reading of the record, and a balanced consideration of the public interest. Therefore, the Commission disagreed with the Petitioners of the *2010 WCS R&O* that these judgments were arbitrary and capricious. Accordingly, it declined, as it did in the *2010 WCS R&O* after a careful assessment of that record, to apply substantial service performance requirements in the 2.3 GHz band for the C and D Blocks, or to reduce their quantitative benchmarks. In the *2010 WCS R&O,* the Commission stated that its revised performance requirements would ''afford WCS licensees bright-line certainty,'' and would ''facilitate Commission review of WCS performance showings.'' Petitioners provided little to support their arguments that circumstances with respect to this spectrum are so difficult that the Commission must reinstate substantial service or otherwise reduce their construction obligations.

28. The Commission disagreed with petitioners that the more stringent technical rules for C and D Blocks relegates them to ''niche services'' and it believed that relief that it provided in other areas will provide licensees with additional service options. It found that retaining quantitative benchmarks best supported its goals for this service; that is, that licensees will provide meaningful service in the near term and continue to use the spectrum throughout the course of their license periods. The Commission believed that, for the WCS, bright-line coverage requirements at specified thresholds serve to promote service throughout a licensed market, because they prevent licensees from ''cherry picking'' areas for service rather than meeting the benchmarks specified in their license requirements.

29. The Commission noted that because of its action to prohibit mobile operations in WCS Blocks C and D, the respective requirements for the 40 and 75 percent population coverage benchmarks would only be applicable to point-to-multi-point systems. However, it maintained that quantitative benchmarks—rather than a return to substantial service—is still the appropriate standard for all operations in the C and D Blocks spectrum. Accordingly, the service requirement for the C and D Blocks shall be: 40 and 75 percent population coverage at the 48 and 78 month deadlines, respectively, for point-to-multipoint operations, with 15 point-to-point links per million persons in a license area within 48 months, and 30 point-to-point links per million persons in a license area within 78 months for point-to-point fixed operations.

30. Finally, the Commission noted that certain entities had sought guidance as to the specific performance requirements that would be applied to current or potential operations in the C and D Blocks that do not fall within the traditional mobile, point-to-multipoint, or point-to-point fixed models. For example, Gogo, Inc. sought clarification as to whether ground-to-air uplinks could be deployed in the C and D Blocks, and what coverage requirements would apply. The Commission noted that there are hybrid or non-traditional operations that do not fit precisely in one category; for example, there may be WCS point-to-multipoint systems that could be viewed as functionally consistent with a WCS point-to-point RF network, *e.g.*, certain smart grid links to monitoring stations, maintenance

instrumentation, automatic metering collection points, and video surveillance. However, given the wide range of deployments and applications possible, the Commission found that WCS licensees should seek guidance from the Wireless Telecommunications Bureau on a case-by-case basis in determining whether their service is permissible within the C and D Blocks, and which benchmarks apply.

31. *Performance Penalties.* The Commission finds basis in the record for reconsidering the rule that licenses will automatically terminate if a performance benchmark is not satisfied. The parties reiterated many of the same arguments that were raised throughout the proceeding, which the Commission previously considered and rejected. Despite the parties' arguments that applying the automatic termination policy is counter to prior Commission practice, the decision to terminate licenses if performance benchmarks are not met was consistent with the Commission's past practice in most geographically-licensed wireless services, including the 800 MHz Specialized Mobile Radio Service (800 MHz SMR), PCS, and Advanced Wireless Services (AWS), as well as in the 1997 *WCS Report and Order.* Further, although Petitioners continued to claim that an automatic termination rule deters investment and construction of networks, they provided no support that licensees have been denied financing or that deployment of broadband has been slowed due to this policy. The Commission remained unconvinced that automatic termination of a license for which the performance requirements are not met itself deters capital investment or otherwise hinders the development or deployment of service. On the contrary, several wireless services subject to this kind of performance penalty have thrived.

32. The Commission remains unpersuaded that it should revise its WCS rules to adopt a ''keep-what-you-use'' policy because the Commission adopted the approach with respect to certain 700 MHz licenses. The Commission found that the considerations and goals with respect to WCS are so similar to the circumstances underlying the 700 MHz Service such that it was compelled to revise existing WCS requirements to mirror the 700 MHz performance penalties. While the *2010 WCS R&O* did call attention to the difference between WCS and 700 MHz rules with respect to submarket performance requirements, the Commission noted that the submarket performance rule is only one distinction. Differences in the specific policy objectives behind the respective performance requirements and penalties also supported the application of a different performance penalty.

33. In adopting the ''keep-what-you-use'' approach in the 700 MHz proceeding, the Commission sought to make available additional mechanisms to enable access to spectrum by new entrants after an initial licensee either fails or chooses not to provide service in a particular area by the applicable deadline. Alternatively, the focus of the performance requirements for the WCS adopted in the *2010 WCS R&O* was to ensure the rapid and meaningful provision of service throughout an entire licensed market. Given the length of time that currently licensed spectrum has remained largely unused, the Commission purposefully imposed ambitious construction criteria, including the automatic termination performance penalty, to ensure that extensive service coverage occurs in the near term. The Commission found that this goal would not be better served by implementing a ''keep-what-you-use'' performance penalty that may not facilitate service coverage in an area until after a current WCS licensee has returned unused spectrum to the Commission. In this context, the Commission concluded that the automatic termination approach would be more effective in accomplishing the Commission's objective of intensive, near term WCS construction.

34. Further, the Commission disagreed with the argument that the automatic termination approach is intrinsically tied to less strict performance benchmarks. The automatic termination approach has historically been applied to geographic market-based licenses generally. In adopting performance requirements for its various wireless services, the Commission has not as a practice linked substantial service and the use of the automatic termination penalty. To the contrary, the automatic termination approach has been used as a penalty for services that did not initially have a substantial service performance obligation.

35. Finally, the Commission rejected arguments that the automatic termination rule is unfair to licensees because, according to petitioners, the rule requires automatic termination of a license even where failure to meet a benchmark is due to circumstances out of the control of a licensee, or even, for example, if the licensee has covered 74 percent of the population at the final deadline. Petitioners argued that application of this policy would cut off service to customers and strand investment. However, § 1.946(e)(1) of the Commission's rules provides that extensions may be granted where failure to comply with construction requirements is due to causes beyond the control of the licensee, and Commission staff has previously granted relief from the Commission's performance rules in cases where it was in the public interest to do so. For example, Commission staff has granted extensions where it found that a complete lack of available equipment for a service presented circumstances beyond the control of licensees, or where licensees were able to show a significant level of diligence and commitment to construction of facilities. As noted in the *2010 WCS R&O,* the Commission stated that it would continue to consider and evaluate requests for extension or waiver and grant relief if circumstances warrant. The Commission emphasized, however, that any relief sought must be weighed against the public interest goals underlying our construction rules, which is to ensure the efficient use of spectrum and the expeditious provision of service to the public. As noted, in specifying performance rules for this service, the Commission purposefully imposed rigorous construction criteria and retained the automatic termination policy in order to ensure meaningful and rapid deployment of service in the WCS band. The Commission would grant extension or waiver relief only if it determines that such action is not contrary to the goals underlying the WCS performance requirements, and otherwise serves the public interest.

G. WCS Information Sharing Requirements

36. *Notification Requirements.* The Commission agreed that it is in the public interest to allow WCS licensees the flexibility to respond to market conditions by making minor modifications to their facilities as long as these modifications do not result in harmful interference to SDARS operations (*i.e.*, muting). While the Commission believed that the 2 dB power flux density (PFD) increase notification trigger sought by the WCS Coalition may be problematic, it nonetheless found it appropriate to permit WCS licensees to optimize facilities and correct coverage gaps without advance notice in circumstances where such modifications are unlikely to cause harmful interference to SDARS receivers. Therefore, WCS licensees were allowed to modify their facilities, other than changes in location, without prior notice so long as the change does

not increase the predicted PFD at ground level by more than 1 dB and notice of the modification is provided within 24 hours of deployment. The Commission saw no empirical evidence in the record that demonstrates that a 1 dB increase in PFD as a result of a WCS modification is likely to cause harmful interference to nearby SDARS receivers. Rather, it anticipated that in most cases there will be sufficient margin in the SDARS link budget such that harmful interference will be avoided.

37. Moreover, WCS licensees were not being exempted from their obligation to provide notice regarding modifications to their stations; WCS entities must notify SDARS licensees within 24 hours of these changes to allow for monitoring of the effects of the modifications. In addition, the notification exception for no more than a 1 dB increase in PFD can be distinguished from Sirius XM's prior proposal for imposition of system-wide PFD limits on WCS base station transmissions because it would only affect the trigger for notification of a modification to SDARS licensees, and is not an across the board criteria for limiting WCS base stations' ground-level power. If, after gaining experience with the 1 dB PFD increase exception to the notification procedures, there is harmful interference to SDARS receivers as a result of such modifications, the Commission would restore the formal notification procedure that requires 5-business days notice prior to modifying WCS facilities.

38. However, Sirius XM raised a valid argument that multiple modifications to WCS stations could result in a predicted aggregate PFD increase that may negatively affect SDARS receivers. To avoid such a result, although WCS licensees may make 24 hour post modification notifications as long as the predicted PFD increase at ground level is not greater than 1 dB, if an SDARS licensee demonstrates to the WCS licensee that the series of modifications using post-modification notification procedures may cause harmful interference to SDARS receivers, the WCS licensee must provide the SDARS licensee with a 5 day notice in advance of additional modifications to WCS base and fixed stations. However, the 1 dB limit will not apply where a coordination agreement between the parties specifies otherwise.

39. In addition, in light of the Commission's decision to adopt the maximum design ground power level targets along roadways of −44 dBm for WCS Blocks A and B and −55 dBm for WCS Blocks C and D, it also permitted after-the-fact notification where modifications to WCS base and fixed stations do not exceed these limits. However, it did not adopt Sirius XM's suggestion that, if it was unwilling to adopt WCS PFD limits, interference mitigation issues must be resolved through a separate coordination agreement between Sirius XM and the WCS licenses or through a clearinghouse acting on the licensees' behalf. Requiring such agreements or a clearinghouse would unnecessarily increase administrative burdens on all licensees.

40. Further, the Commission modified the rules to exclude WCS base and fixed stations operating under 2 W EIRP from the inventory and notification requirements and agreed with Sirius XM that, to the extent that the parties can mutually agree on alternative coordination and notification procedures, the rules should accommodate private agreements between WCS licensees and Sirius XM that implement such modified procedures. Although the Commission did not adopt a list of modifications unlikely to cause interference where ''after-the-fact-notification'' would apply as suggested by Sirius XM, it recognized that it would be beneficial for WCS licensees and Sirius XM to reach agreement on procedures that would streamline the notification process.

41. Lastly, the Commission clarified that the inventory and SDARS licensee notification requirements in § 27.72 apply to both WCS base and fixed stations (except fixed WCS CPE). Sirius XM is correct that the Commission has during this proceeding used the terms ''WCS base station'' and ''WCS station'' interchangeably in the context of information sharing requirements. It is discernible from a review of the *2001 Public Notice* and *2007 Notice* in this proceeding that the Commission's use of ''base station'' also encompassed fixed stations. Moreover, the *2010 WCS R&O's* use of language directing WCS licensees to provide information to SDARS licensees regarding their ''deployed infrastructure'' also demonstrated that the information sharing obligations are not limited only to base stations used in a mobile system. Accordingly, it revised § 27.72 to make clear that WCS licensees must share fixed and base station information with SDARS licensees. However, it clarified that fixed WCS CPE (*i.e.,* fixed equipment operated by a WCS subscriber) is not subject to this requirement. Further, to the extent that WCS licensees have not yet provided notice for existing fixed stations to SDARS licensees, WCS licensees must do so no later than 30 days after the effective date of this Order.

42. *Duty to Cooperate and Coordination.* Upon review, the Commission found no basis to revise its requirements regarding WCS licensees' duty to cooperate. First, it declined to adopt the proposals submitted by Sirius XM as they were considered when they were initially proposed in this proceeding and explicitly rejected by the Commission in the *2010 WCS R&O.* The Commission found that no further evidence had been introduced into the record to cause us to reconsider this decision. Specifically, it rejected as unnecessary the proposals that WCS licensees provide a schedule of when network facilities will be transmitting, or make pre-sale devices available to Sirius XM for inspection. Although it expected the parties to cooperate and take good faith measures to prevent harmful interference, it decided it must balance the need for an exchange of useful information against requiring the disclosure of market sensitive information that is not reasonably necessary to prevent harmful interference, such as licensees' proprietary equipment information and business or operating plans.

43. For these reasons, the Commission also declined to require WCS licensees to enter into a coordination agreement with Sirius XM with provisions similar to the June 15, 2012 AT&T/Sirius XM agreement. It emphasized, however, that cooperation between WCS and SDARS licensees is critical to the successful coexistence between WCS and SDARS systems, and encouraged WCS licensees to develop and enter into separate coordination agreements with SDARS licensees for interference mitigation. The Commission therefore revised § 27.72 to incorporate the AT&T/Sirius XM proposed language encouraging the adoption of coordination agreements by WCS and SDARS. To the extent any provision of a coordination agreement between parties to mutually resolve harmful interference conflicts with other information sharing requirements adopted in this proceeding, the parties are obligated to follow the procedures established under the agreement.

44. The Commission also did not require that a clearinghouse or single point of contact be created to provide information from WCS licensees to Sirius XM. It agreed with the WCS Coalition that interference issues are best handled directly by the entities operating the networks and that an obligatory intermediary will add an unnecessary step into the process. Similarly, the Commission concluded that *de facto* spectrum transfer lessees already assume the notification and interference obligations pursuant to our

secondary markets rules and policies. However, if the number of WCS providers increases dramatically, the Commission may reevaluate whether the burden to SDARS of coordinating with multiple providers offsets the inefficiency of introducing a third party into the process.

45. Although the Commission did not mandate how information should be exchanged between WCS and SDARS licensees, it expected that licensees would coordinate to ensure the seamless and successful exchange of information. WCS and SDARS licensees are able to enter into agreements, as discussed above, regarding the logistics of information exchanges, and the Commission encouraged parties to implement measures to streamline the process to the extent possible.

H. Aeronautical Mobile Telemetry and Deep Space Network Coordination

46. Upon further review, the Commission found it necessary to reconsider and clarify the role of ITU–R M.1459 in the coordination of WCS and AMT facilities to promote and bring certainty to the coordination process. It required WCS and AMT entities, using accepted engineering practices, to apply ITU–R M.1459, as adapted to local conditions and operating characteristics of both WCS and AMT systems, in coordinating their stations, and thus modified rule § 27.73(a) accordingly.

47. Recommendation ITU–R M.1459 sets forth the recommended framework for co-channel sharing between AMT and mobile satellite services operations, but is not specific to WCS terrestrial operations. Although the *2010 WCS R&O* did not specifically require that the parties use the interference protection mechanism set forth in the Recommendation in coordinating AMT and WCS facilities, § 27.73(a) provides that coordination within 45 km or line of sight of an AMT facility is necessary to protect AMT receivers ''consistent with Recommendation ITU–R M.1459.''

48. In referencing the Recommendation in § 27.73(a), the Commission did not require parties to apply the recommended protection values found in the Recommendation. The reference to ITU–R M.1459 instead serves as a reference point that WCS licensees and AMT entities may consider in the course of determining how to coordinate their systems. In setting out general guidelines in the *2010 WCS R&O* and § 27.73(a), the Commission sought to provide parties with flexibility to reach agreement on an appropriate mechanism that provides both adequate protection to AMT facilities while permitting WCS licensees to operate around such facilities to the greatest extent possible.

49. The Commission continued to believe that the appropriate approach to reducing potential interference between WCS base stations and AMT installations is for the entities, when engaged in a coordination process, to take into account the local conditions around applicable AMT sites and specific operating characteristics of the AMT and WCS facilities. However, given the continued differences in how the parties view the basis of such coordination, it was concerned that the parties would be unable to reach a mutually satisfactory agreement regarding the WCS deployment in a timely manner—an outcome which could lead to unacceptable delays in the deployment of WCS networks. Therefore, the Commission found it necessary to provide additional clarity regarding the WCS/AMT coordination process.

50. Specifically, the Commission required that WCS and AMT entities take into account interference protection considerations identified in ITU–R M.1459 as part of the required coordination process. The Recommendation sets forth extremely conservative baseline protection, or PFD levels, intended to protect AMT receivers. The Commission believed that in many cases, the recommended protection criteria would provide more protection than required, unnecessarily restricting areas where WCS licensees may provide service. The Recommendation itself notes that AMT stations have a wide range of characteristics, and that some facilities may require less stringent protection criteria values than those contained in ITU–R M.1459. Also, ITU–R M.1459 notes that, even in the context of co-channel sharing, the calculation used to derive the protection values represents a worst case scenario. This notwithstanding, the ITU–R M.1459 PFD levels are based on general telemetry system characteristics that are applicable in helping to determine AMT facilities' vulnerability to interference. Moreover, given the conditions of testing and types of deployments in the AMT band, there may be circumstances where an AMT facility may require the level of protection contemplated by ITU–R M.1459. Accordingly, the Commission required the parties to use the ITU–R M.1459 PFD levels as a baseline from which to conduct negotiations and interference studies.

51. In doing so, however, the Commission did not intend for parties to strictly apply the recommended PFD level found in ITU–R M.1459. The Commission found that strict application of the Recommendation could, in many cases, lead to over-protection of the AMT receiver, thereby unnecessarily restricting the ability of the WCS licensee to operate. Therefore, to determine the appropriate protection level for an AMT facility, the parties must, using accepted engineering practices, evaluate local conditions surrounding an AMT receiver as well as the specific operating characteristics of the applicable AMT and WCS systems, and determine how the baseline PFD should be adapted and made less restrictive in light of these factors. The Commission specified that the local conditions and operating characteristics that the parties must consider in their analysis include (but are not limited to): line of sight obstructions (*e.g.* topography), actual performance characteristics of the AMT receiver (*e.g.* antenna gain, power level, and modulation), types of AMT antennas used, field of view of the AMT receiver, as well as area of operation of the AMT receiver and the manner in which telemetry testing is being performed. The Commission required parties to adapt the baseline protection criteria for AMT, *i.e.* the applicable PFD level, in light of these and other factors applicable to the facility in question. It found that these requirements would bring greater certainty to the coordination process, and better enable AMT and WCS entities to reach agreement on measures that will protect AMT receivers and enable WCS licensees to operate in the surrounding area to the greatest extent possible.

52. Thus, the Commission declined to remove the reference to ITU–R M.1459 in § 27.73(a), as the WCS Coalition requested, but clarified that WCS and AMT entities, using accepted engineering practices, are required to apply ITU–R M.1459, as adapted to local conditions and operating characteristics of both WCS and AMT systems, in coordinating their stations. In addition, as determined in the *2010 WCS R&O,* it clarified in § 27.73(a) that a coordination agreement to protect existing AMT receivers from WCS base station operations is between the WCS licensee and AMT entity(ies); Aerospace & Flight Test Radio Coordinating Council (AFTRCC) will facilitate achievement of a mutually satisfactory coordination agreement between the WCS licensee and AMT entity(ies) for AMT receiver sites in existence at the time of the coordination.

53. AFTRCC also requested, by way of a February 7, 2012 *Ex Parte* submission, that the Commission expand § 27.73 to require WCS licensees to coordinate

their fixed stations with AMT entities and NASA's DSN facility at Goldstone, California. Although the WCS Coalition opposed AFTRCC's request with respect to coordination with AMT entities, AT&T did not object to AFTRCC's request to include WCS fixed stations with WCS base stations in the AMT coordination regime. The WCS Coalition argued that coordination with AMT entities of WCS fixed stations should not be required since there have not been any reports of harmful interference to AMT receivers due to WCS fixed stations' operations, while AT&T had committed to coordinate with AMT entities WCS fixed stations that operate in the upper WCS bands at 2345–2360 MHz. The National Telecommunications and Information Administration (NTIA) supported coordination of WCS fixed stations that operate in the 2305–2320 MHz and 2345–2360 MHz bands with NASA and AMT entities, respectively.

54. To alert AMT entities and NASA to the location and operation of WCS fixed stations that will be deployed within 45 km of AMT receivers and 145 km of the Goldstone, California DSN facility, we clarify that the AMT and DSN coordination requirements for WCS licensees apply to both WCS base and fixed stations (*i.e.,* except fixed WCS CPE). It is discernible from a review of the *2001 Public Notice* and *2007 Notice* in this proceeding that the Commission's use of ''base station'' also encompassed fixed stations. Moreover, the *2010 WCS R&O*'s use of language directing WCS licensees to provide information to SDARS licensees regarding their ''deployed infrastructure'' also demonstrates that WCS licensees' information sharing obligations with respect to SDARS licensees are not limited only to base stations used in a mobile system. Accordingly, the Commission revised § 27.73 to make clear that WCS licensees must coordinate 2.3 GHz WCS base and fixed stations with AMT entities and NASA's DSN facility in Goldstone, CA. However, it clarified that fixed WCS CPE (*i.e.,* fixed equipment operated by a WCS subscriber) is not subject to this coordination requirement.

III. Order on Reconsideration in IB Docket No. 95–91

A. Operation of SDARS Terrestrial Repeaters Above 12 Kilowatts Average EIRP

55. *Site-by-Site Licensing.* The Commission declined to adopt the WCS Coalition's suggestions that the Commission clarify the rules governing site-by-site licensing of terrestrial repeaters by requiring that SDARS licensees seeking to operate a repeater at a power level greater than 12 kW average EIRP must request a waiver of the power limit rule and must serve such applications on all potentially affected WCS licensees. In the *SDARS 2nd R&O,* the Commission found that operation of SDARS repeaters above 12 kW average EIRP serves the public interest in areas where WCS facilities are not providing commercial service or such commercial service is not imminent. The Commission's rules explicitly allow repeater operations at power levels greater than 12 kW average EIRP on a site-by-site licensing basis, until a potentially affected WCS licensee notifies the SDARS licensee of the imminent commencement of commercial operations. Thus, the Commission determined that there was no need for an SDARS applicant to seek a waiver of the Commission's rules to operate repeaters at power levels greater than 12 kW average EIRP, because the Commission's rules already explicitly allow such operations. The Commission's Satellite Division has authorized the operations of a small number of SDARS repeaters at power levels above 12 kW average EIRP on delegated authority under a site-by-site licensing regime, without waiving the 12 kW average EIRP power limit set forth in § 25.214(d). The Commission has not found any error in the authorization.

56. The Commission also found in the *SDARS 2nd R&O* that the public interest supports authorizing as many SDARS repeaters as possible at levels of 12 kW average EIRP or less through a blanket licensing process, rather than at higher power levels through site-by-site licensing. The Commission reiterated its intent to authorize the vast majority of SDARS repeaters at power levels at or below 12 kW average EIRP under a blanket license. In addition, however, it anticipated authorizing repeaters *above* 12 kW average EIRP mainly in areas where WCS licensees do not provide commercial service and do not provide notice to SDARS licensees of imminent commercial service.

57. The Commission also found that it is unnecessary to require SDARS applicants to serve applications for site-by-site repeater authorization on WCS licensees. The Communications Act of 1934, as amended, and Commission rules generally require 30-days notice to the public before the Commission can act on any license application. Thus, parties potentially affected by the proposed operations already have an adequate opportunity to file comments or petitions to deny in response to any application to operate SDARS repeaters. The WCS Coalition provided no evidence why additional notice of proposed SDARS repeaters operations is necessary, particularly as there is only one SDARS licensee—Sirius XM—for WCS licensees to monitor.

58. *Definition of ''Potentially Affected'' WCS Licensee.* The Commission adopted the alternative definition of a ''potentially affected WCS licensee'' in §§ 25.202(h) and 25.214(d) of the Commission's rules, which Sirius XM and WCS licensees both supported. Accordingly, it amended §§ 25.202(h)(4) and 25.214(d)(3) to incorporate a 25 km metric for determining whether a WCS licensee is ''potentially affected'' by a repeater operating above 12 kW EIRP (average) or with an OOBE attenuation level less than those specified in §§ 25.202(h)(1) and (h)(2)). The Commission recognized in the *SDARS 2nd R&O* that the use of major economic areas (MEAs) and regional economic area groupings (REAGs) may be overbroad in determining which WCS licensees would be potentially affected by a particular SDARS repeater for the purposes of §§ 25.202(h) and 25.214(d). There was no basis at the time, however, to find that the proximity-based approach favored by Sirius XM would adequately protect WCS licensees from harm. The record established since the release of the *SDARS 2nd R&O,* as well as the support of both the WCS Coalition and Sirius XM, provided a basis for adopting a 25 km proximity-based definition of a ''potentially affected WCS licensee'' for purposes of §§ 25.202(h) and 25.214(d) of the Commission's rules.

59. The Commission did not, however, determine that a blanket notification issued by a WCS licensee for all locations ''potentially affected'' by repeater deployments—regardless of the actual predicted risk of interference—would constitute bad faith, as requested by Sirius XM. An SDARS licensee is required to change the operating parameters of repeaters under §§ 25.202 and 25.214 only when a ''potentially affected WCS licensee'' notifies it that the WCS licensee intends to commence commercial service within 365 days. Thus, SDARS repeater operations will be impacted only if a WCS licensee has either already commenced commercial service, or when such service is imminent. The Commission previously stated that this discourages a WCS licensee from sending notices for all areas in which it has licenses to operate, regardless of when the licensee actually contemplates service. Although there may be

instances where the WCS licensee provides notice of imminent commercial service but does not commence service within the 365-day period, the Commission stated that it did not expect bad faith to be the reason for the delay. It saw no reason to find differently. To the extent that a WCS licensee may overstate the potential for interference from a particular SDARS repeater, the Commission did not have reason to find that bad faith would necessarily be the motivating factor.

B. Operation of Low-Power SDARS Terrestrial Repeaters

60. The Commission agreed that SDARS terrestrial repeaters operating below 2 W EIRP are unlikely to be sources of interference, and therefore it is unnecessary to include these low-power devices in the inventory and notification requirements adopted in the *SDARS 2nd R&O* for higher-power devices. Accordingly, it modified § 25.263 to exempt such devices from the inventory and notification requirements for SDARS terrestrial repeaters.

C. Notification and Cooperation Requirements

61. The Commission declined to revisit the duty to cooperate requirement imposed on WCS licensees in § 27.72(e) of the Commission's rules and maintained the existing language of the rule. The existing language requires WCS licensees to provide SDARS licensees with ''as much lead time as practicable to provide ample time to conduct analyses and opportunity for prudent base station site selection prior to WCS licensees entering into real estate and tower leasing or purchasing agreements.'' Although the WCS Coalition argued that the additional language is unnecessary where the risk of interference is small, the purpose of the rule itself is to allow licensees to determine the risk of interference as early as practicable in the site selection process so that changes can be made if potential harmful interference is found. Thus, the Commission decided that it does not serve the purpose of the rule to remove requirements that allow sufficient time to conduct interference analyses and allow time to modify the site selection, if necessary.

62. The Commission agreed with the WCS Coalition, however, that the notice and duty to cooperate obligations between SDARS and WCS licensees should be parallel. To make the obligations parallel, it modified the duty to cooperate obligations for SDARS licensees to match the obligation for WCS licensees. The Commission disagreed with Sirius XM that the record in this proceeding demonstrates that risks of interference from WCS stations to SDARS operations are higher than the risks of interference from SDARS repeaters to WCS operations, and thus impose a greater duty to cooperate on WCS licensees than on SDARS licensees. Accordingly, it amended § 25.263(e) to add a requirement that SDARS licensees should provide WCS licensees as much lead time as practicable to provide ample time to conduct analyses and opportunity for prudent repeater site selection prior to SDARS licensees entering into real estate and tower leasing or purchasing agreements.

63. Because the Commission agreed that the notice and duty to cooperate obligations between SDARS and WCS licensees should be parallel, it modified the notice requirements for SDARS repeaters to permit SDARS licensees to modify existing facilities, other than changes in location, without prior notice so long as the change does not increase the predicted PFD at ground level by more than 1 dB and notice of the modification is provided within 24 hours of deployment. At the request of WCS licensees, the Commission also adopted this revision to the notice obligations for WCS licensees. It saw no reason why a parallel revision should not be made for SDARS repeaters and amend the notice requirements of § 25.263(b) accordingly. However, multiple modifications to SDARS terrestrial repeaters could result in a predicted aggregate PFD increase that may negatively affect WCS receivers. To avoid such a result, although an SDARS licensee may make 24-hour post-modification notifications as long as the predicted PFD increase at ground level is not greater than 1 dB, if a WCS licensee demonstrates to the SDARS licensee that the series of modifications using post-modification notification procedures may cause harmful interference to WCS receivers, the SDARS licensee must provide the WCS licensee with 5-business days notice in advance of additional modifications to SDARS terrestrial repeaters. However, the 1 dB limit will not apply where a coordination agreement between the parties specifies otherwise.

64. In addition, the Commission ordered Sirius XM to provide potentially affected WCS licensees an inventory of its terrestrial repeater infrastructure, including the information set forth in § 25.263 for each repeater currently deployed, within 30 days of the publication of a summary of this *Order on Reconsideration* in the **Federal Register**. It agreed with the WCS Coalition that such a requirement is consistent with the intent of the *SDARS 2nd R&O.* For the purpose of this requirement, the definition of ''potentially affected WCS licensee'' is the same as that used in § 25.263(b)(1) of the Commission's rules.

65. Finally, the Commission emphasized that cooperation between SDARS and WCS licensees is critical to the successful coexistence between SDARS and WCS systems, and encouraged SDARS licensees to develop and enter into separate coordination agreements with WCS licensees for interference mitigation. Therefore, it revised § 25.263(b)(3) to incorporate the AT&T/Sirius XM proposed language encouraging the adoption of coordination agreements by WCS and SDARS. To the extent any provision of a coordination agreement between parties to mutually resolve harmful interference conflicts with other information sharing requirements adopted in this proceeding, the parties are obligated to follow the procedures established under the agreement. The Commission also added a provision to § 25.263(b) to make clear that SDARS and WCS are able to enter into agreements regarding the logistics of information exchanges, and it encouraged parties to implement measures to streamline the process to the extent possible.

IV. Procedural Matters

A. Supplemental Final Regulatory Flexibility Analysis in WT Docket No. 07–293

66. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] Initial Regulatory Flexibility Analyses (IRFAs) were incorporated in the *Notice of Proposed Rulemaking* (*2007 Notice*)[2] and the *WCS Performance Public Notice*[3] in WT Docket No. 07–293. The Commission sought written public comment on the

[1] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601—612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 857 (1996).

[2] *See* Amendment of part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band and Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band, *Notice of Proposed Rulemaking and Second Further Notice of Proposed Rulemaking,* WT Docket No. 07–293 and IB Docket No. 95–91, 73 FR 2437 (January 15, 2008) (''*2007 Notice*'').

[3] *See* ''Federal Communications Commission Requests Comment on Revision of Performance Requirements for 2.3 GHz Wireless Communications Service,'' WT Docket No. 07–293, *Public Notice,* 75 FR 17349 (April 6, 2010) (''*WCS Performance Public Notice*'').

proposals in the *2007 Notice* and *WCS Performance Public Notice,* including comment on the IRFAs. In addition, a Final Regulatory Flexibility Analysis (FRFA) was incorporated in the *Report and Order* in WT Docket No. 07–293 (*2010 WCS R&O*).[4] This present Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) for the *Order on Reconsideration* conforms to the RFA.[5]

67. *Need for, and Objectives of, the Order on Reconsideration.* The *Order on Reconsideration* responded to petitions for reconsideration of the *Report and Order* adopting service rules for the Wireless Communications Service (WCS) in the 2305–2320 MHz and 2345–2360 MHz bands (2.3 GHz WCS bands). The need for and objectives of the rules adopted in this Order on Reconsideration are the same as those discussed in the FRFA for the *Report and Order.* In the *Report and Order,* the Commission took a number of steps to facilitate deployment of mobile broadband products and services in the 2305–2320 MHz and 2345–2360 MHz Wireless Communications Service (WCS) bands, while safeguarding from harmful interference satellite radio services, which are provided in the interstitial 2320–2345 MHz Satellite Digital Radio Service (SDARS) band. In the *2010 WCS R&O,* the Commission adopted provisions to establish a permanent regulatory framework for the co-existence of WCS and SDARS operations in the 2305–2360 MHz band while limiting the WCS's potential to cause harmful interference (*i.e.,* interference which seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service) to other adjacent bands services. Specifically, the Commission revised certain power and out-of-band emissions (OOBE) rules applicable to WCS licensees.

68. On reconsideration, the Commission took the following actions: (1) Established maximum design ground power level targets for WCS base and fixed station operations to define harmful interference on roadways and serve as triggers for interference resolution if exceeded and harmful interference (*i.e.,* muting) to SDARS operations occurs; (2) eliminated the frequency band restrictions on WCS FDD base station operations; (3) relax the restrictions on low-power fixed WCS customer premises equipment (CPE) (average equivalent isotropically radiated power (EIRP) less than 2 Watts) outdoor and outdoor antenna use under certain circumstances; (3) eliminated the duty cycle limits for WCS mobile and portable devices and fixed WCS CPE using FDD technology; (4) eliminated the power spectral density (PSD) limit for WCS mobile and portable devices using appropriate uplink protocols (e.g., 3rd Generation Partnership Project (3GPP) Long Term Evolution (LTE)); (5) restricted WCS mobile and portable device transmissions in all portions of WCS Blocks C and D; (6) encouraged WCS licensees to enter into coordination agreements with SDARS licensees to facilitate efficient deployment of and coexistence between each service; (7) required notification of WCS fixed stations to SDARS licensees; (8) require coordination of WCS fixed stations with aeronautical mobile telemetry (AMT) entities and NASA's Deep Space Network facility in Goldstone, California; (9) allowed post notification to SDARS licensees within 24 hours for minor WCS station modifications (other than location changes) so long as the ground level power flux density is not increased by more than 1 dB; 10) exclude WCS stations operating under 2 Watts EIRP from the WCS inventory and notification requirements. The Commission affirmed its decisions in the *2010 WCS R&O* to not establish guard bands near the SDARS band for fixed WCS CPE. It also affirmed its decision to prohibit FDD WCS mobile and portable devices from transmitting in the 2345–2360 MHz band, and affirmed the OOBE limits for WCS mobile and portable devices and duty cycle limit for WCS mobile and portable devices and fixed WCS CPE using time division duplexing (TDD) technology adopted in the *2010 WCS R&O.* Finally, the Commission restarted and extended, by six months, the period within which licensees must satisfy the WCS performance requirements.

69. *Summary of Significant Issues Raised by Public Comments in Response to the IRFA.* No comments were received in response to the IRFAs in the *2007 Notice* and the *WCS Performance Public Notice.*

70. *Description and Estimate of the Number of Small Entities to Which the Rules Will Apply.* The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Below, the Commission further describes and estimates the number of small entity licensees and regulatees that may be affected by the rules changes adopted in the Order on Reconsideration.

71. *Wireless Telecommunications Carriers (except satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular phone services, paging services, wireless Internet access, and wireless video services. The appropriate size standard under SBA rules is for the category Wireless Telecommunications Carriers. The size standard for that category is that a business is small if it has 1,500 or fewer employees. Under the present and prior categories, the SBA has deemed a wireless business to be small if it has 1,500 or fewer employees. For this category, census data for 2007 show that there were 11,163 firms that operated for the entire year. Of this total, 10,791 firms had employment of 999 or fewer employees and 372 had employment of 1000 employees or more. Thus under this category and the associated small business size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities that may be affected by our proposed action.

72. *WCS Licensees.* The Wireless Communication Service in the 2305–2320 MHz and 2345–2360 MHz frequency bands has flexible rules that permit licensees in this service to provide fixed, mobile, portable, and radiolocation services. Licensees are also permitted to provide satellite digital audio radio services. The SBA rules establish a size standard for ''Wireless Telecommunications Carriers,'' which encompasses business entities engaged in radiotelephone communications employing no more

[4] *See* Amendment of part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band, WT Docket No. 07–293, Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Band, IB Docket No. 95–91, GEN Docket No. 90–357, RM–8610, *Report and Order and Second Report and Order,* 75 FR 45058 (April 2, 2010) (''*2010 WCS R&O and SDARS 2nd R&O*'').

[5] *See* 5 U.S.C. 604.

than 1,500 persons. There are currently 155 active WCS licenses held by 10 licensees. Of these, 7 licensees qualify as small entities and hold a total of 50 licenses.

73. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.'' The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: all such firms having 750 or fewer employees. According to Census Bureau data for 2007, there were a total of 939 establishments in this category that operated for part or all of the entire year. According to Census bureau data for 2007, there were a total of 939 firms in this category that operated for the entire year. Of this total, 912 had less than 500 employees and 17 had more than 1,000 employees. Thus, under that size standard, the majority of firms can be considered small.

74. *Audio and Video Equipment Manufacturing.* The SBA has classified the manufacturing of audio and video equipment under in NAICS Codes classification scheme as an industry in which a manufacturer is small if it has less than 750 employees. Data contained in the 2007 U.S. Census indicate that 491 establishments operated in that industry for all or part of that year. In that year, 456 establishments had 99 employees or less; and 35 had more than 100 employees. Thus, under the applicable size standard, a majority of manufacturers of audio and video equipment may be considered small.

75. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities.* The *Order on Reconsideration* imposed certain changes in projected reporting, record keeping, and other compliance requirements. These changes affect small and large companies equally. With respect to coordination requirements in circumstances where WCS licensees are within certain distances from aeronautical mobile telemetry (AMT) and the Deep Space Network (DSN) operations in Goldstone, CA, the *Order on Reconsideration* clarifies that WCS licensees are required to coordinate WCS base and fixed stations (except fixed WCS CPE) with AMT and DSN entities. WCS, AMT, and DSN entities are required to cooperate in good faith in order to minimize the likelihood of harmful interference, make the most effective use of facilities, as well as to resolve actual instances of harmful interference. Coordinating parties are also required to share accurate and relevant information in a timely and efficient manner. Parties unable to reach a mutually acceptable coordination agreement may approach the Wireless Telecommunications Bureau, which, in cooperation with the Office of Engineering and Technology and the National Telecommunications and Information Administration (NTIA), may impose restrictions on operating parameters such as the transmitter power, antenna height, or area or hours of operation of the stations. Deadlines may also be imposed if it appears that parties are unable to reach a mutually acceptable arrangement within a reasonable time period.

76. In the *2010 WCS R&O,* the Commission also required WCS and SDARS licensees to share certain technical information at least 10 business days before operating a new base station or repeater, and at least five business days before modifying an existing facility. The *Order on Reconsideration* excludes WCS stations operating under 2 Watts equivalent isotropically radiated power (EIRP) from the inventory and notification requirements. It also requires WCS licensees to notify SDARS licensees within 24 hours of station modifications that would not increase the predicted ground level power flux density by more than 1 dB. To avoid multiple modifications to WCS stations that could result in a predicted aggregate PFD increase that may negatively affect SDARS receivers, although WCS licensees may make 24 hour post modification notifications as long as the predicted PFD increase at ground level is not greater than 1 dB, if an SDARS licensee demonstrates to the WCS licensee that the series of modifications using post-modification notification procedures may cause harmful interference to SDARS receivers, the WCS licensee must provide the SDARS licensee with 5 days notice in advance of additional modifications to WCS base and fixed stations. However, the 1 dB limit will not apply where a coordination agreement between the parties specifies otherwise. The *Order on Reconsideration* also clarified that the WCS licensee inventory and SDARS licensee notification requirements apply to both WCS base and fixed stations (except fixed WCS CPE).

77. The *2010 WCS R&O* requires that WCS licensees demonstrate compliance with any revised performance requirements by filing a construction notification within 15 days of the relevant benchmark and certifying that they have met the applicable performance requirements. The *2010 WCS R&O* requires that each construction notification should include electronic coverage maps and supporting documentation, which must be truthful and accurate and must not omit material information that is necessary for the Commission to determine compliance with its performance requirements. Further, the electronic coverage maps must clearly and accurately depict the boundaries of each license area (Regional Economic Area Grouping, REAG, or Major Economic Area, MEA) in the licensee's service territory, with REAG maps depicting MEA boundaries, and MEA maps depicting Economic Area boundaries. The *2010 WCS R&O* provides that if the licensee's signal does not provide service to the entire license area, the map must clearly and accurately depict the boundaries of the area or areas within each license area not being served. These procedures direct each licensee to file supporting documentation certifying the type of service it is providing for each REAG or MEA within its license service territory and the type of technology it is utilizing to provide such service. Further, the compliance procedures require the supporting documentation to provide the assumptions used to create the coverage maps, including the propagation model and the signal strength necessary to provide service with the licensee's technology. The *Order on Reconsideration* did not modify any of these requirements.

78. *Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design

standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

79. The Commission's principal objective in this proceeding was to enable the provision of promising mobile broadband services to the public in the WCS spectrum to the maximum extent practicable, while ensuring that satellite radio operations are not unreasonably impacted by the Commission's actions. Adopting overly stringent technical rules for WCS to protect SDARS operations from interference would preclude WCS mobile operation, while liberalizing the WCS rules too much would result in harmful interference and disruption to SDARS service. Such results would cause significant adverse economic impact on either WCS licensees, which include small entities, or on SDARS operations. Accordingly, the Commission considered various alternatives, in order to best provide WCS licensees, including small-entity WCS licensees, with the flexibility to provide mobile service, while also protecting against disruptions to SDARS operations due to harmful interference.

80. The *Order on Reconsideration* adopted a package of compromise proposals from WCS licensee AT&T Inc. and SDARS operator Sirius XM Radio Inc. that were designed to facilitate the efficient deployment and coexistence of the WCS and SDARS and protect adjacent SDARS operator Sirius XM Radio Inc. and AMT users, and nearby DSN operations, from harmful interference.

81. *WCS Mobile and Portable (Handheld) Device Power Spectral Density (PSD) Limits.* The *Order on Reconsideration* eliminated the 50 milliwatt per megahertz PSD limit for WCS mobile and portable devices that operate with bandwidths greater than or equal to 5 megahertz and using appropriate uplink (user device to base station) transmission technologies. Because the uplink (user device to base station) transmission technologies being considered for mobile broadband service in the WCS spectrum spread the signal power across the available bandwidth, eliminating the PSD limit for these devices will not increase the potential for harmful interference to SDARS receivers. In addition, without a PSD limit for WCS mobile devices, WCS licensees will not be forced to increase the number of cell sites (*i.e.,* base stations installed) to ensure adequate service, which would make it economically unfeasible to deploy a WCS mobile network.

82. *WCS Performance Requirements.* Further, in the *2010 WCS R&O,* the Commission adopted revised performance requirements for WCS. The Commission adopted enhanced construction rules that replaced the substantial service requirement previously placed on WCS licensees with specific population-based benchmarks. In recognition of difficulties that may arise in license areas where WCS licensees must coordinate their facilities with AMT receive sites, the 2010 WCS R&O reduced the level of construction required in such markets. The Commission sought to establish a buildout requirement that is reasonable and achievable for WCS licensees, including small entities, but which encourages rapid and meaningful deployment of mobile broadband services. The Commission considered alternative performance benchmarks, including requirements using shorter timeframes, and lower percentages of required construction. However, the Commission concluded that other alternatives would not strike the appropriate balance. Further, with respect to the performance rules, all WCS entities are required to file construction notifications to inform the Commission that they have successfully met the performance requirements described above. The *Order on Reconsideration* extended the time period within which licensees must meet the WCS interim and final performance requirements to 48- and 78-months, respectively. Further, because certain technical specifications established in the *2010 WCS R&O* may have inadvertently hindered the ability of licensees to deploy mobile broadband services, the *Order on Reconsideration* restarted the construction periods to provide WCS licensees with the full 48- and 78 month construction timeframes to enable licensees to respond to the revisions the Commission made to the 2.3 GHz WCS rules.

83. *Report to Congress.* The Commission will send a copy of the *Order on Reconsideration,* including this Supplemental FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Order on Reconsideration,* including this Supplemental FRFA, to the Chief Counsel for Advocacy of the SBA.

B. Supplemental Final Regulatory Certification in IB Docket No. 95–91

84. The Regulatory Flexibility Act of 1980, as amended (RFA) requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that ''the rule will not have a significant economic impact on a substantial number of small entities.'' The RFA generally defines ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

85. The rules adopted in this *Order on Reconsideration* affect providers of Satellite Digital Audio Radio Service (SDARS). With respect to providers of SDARS, *i.e.* providers of a nationally distributed subscription radio service, no small entities are affected by the rules adopted in this Order on Reconsideration. SDARS is a satellite service. The SBA has established a size standard for ''Satellite Telecommunications,'' which is that any large satellite services provider must have an annual revenue of $15.0 million. Currently, only a single operator, Sirius XM Radio Inc. (''Sirius XM''), holds licenses to provide SDARS, which requires a great investment of capital for operation. Sirius XM has annual revenues in excess of $15.0 million. Because SDARS requires significant capital, we believe it is unlikely that a small entity as defined by the Small Business Administration would have the financial wherewithal to become an SDARS licensee.

86. Therefore, since only one large entity is affected by the rules adopted in this *Order on Reconsideration,* we certify that the requirements of the Order on Reconsideration will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the *Order on Reconsideration,* including a copy of this final certification, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A). In addition, the *Order on Reconsideration* and this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**. See 5 U.S.C. 605(b).

C. Congressional Review Act

87. The Commission will send a copy of this *Order on Reconsideration* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

V. Ordering Clauses

88. Pursuant to §§ 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r), and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 303(c), 303(f), 303(g), 303(r), 307, the *Order on Reconsideration* in WT Docket No. 07–293 and IB Docket No. 95–91 is hereby *adopted.*

89. The rule revisions adopted herein *will become effective* March 13, 2013, except for §§ 25.263(b), 27.72(b), and 27.73(a), which contain new or modified information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act and *will become effective* after the Commission publishes a notice in the **Federal Register** announcing approval of the effective date.

90. ARRL's Petition for Clarification or Partial Reconsideration, filed September 1, 2010, *is granted in part* and *denied in part,* to the extent provided herein.

91. AT&T, Inc.'s Petition for Partial Reconsideration, filed September 1, 2010, *is granted in part* and *denied in part,* to the extent provided herein.

92. Sirius XM's Petition for Partial Reconsideration and Clarification, filed September 1, 2010, *is granted in part* and *denied in part,* to the extent provided herein.

93. Stratos' Petition for Clarification, filed September 1, 2010, IS GRANTED, to the extent provided herein.

94. WCS Coalition's Petition for Partial Reconsideration, filed September 1, 2010, *is granted in part* and *denied in part,* to the extent provided herein.

95. WCS licensees are *hereby directed* to provide Sirius XM with an inventory of their fixed (except fixed Customer Premises Equipment) station infrastructure within March 13, 2013, of this *Order on Reconsideration* in the **Federal Register**.

96. Sirius XM is *hereby directed* to provide potentially affected WCS licensees with an inventory of its terrestrial repeater infrastructure, including the information set forth in § 25.263(c)(2) for each repeater currently deployed, within March 13, 2013, of this *Order on Reconsideration* in the **Federal Register**.

97. The performance periods for licensees in the Wireless Communications Service are *hereby reset* and will recommence beginning 30 days after a summary of the Order on Reconsideration is published in the **Federal Register.**

98. Pursuant to §§ 4(i) and 308 of the Communications Act of 1934, 47 U.S.C. 154, 308, and § 1.946 of the Commission's rules, 47 CFR 1.946, that to obtain a renewal expectancy at their July 21, 2017 renewal deadline, each 2.3 GHz Wireless Communications Service licensee must certify, for each license area, that they have maintained, or exceeded, the level of coverage demonstrated for that license area at the 48-month construction deadline. This certification requirement and renewal standard are subject to any superseding or additional requirements or standards that the Commission may adopt in its ongoing rulemaking proceeding to harmonize the renewal requirements and standards for Wireless Radio Services, WT Docket No. 10–112.

99. The Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Order on Reconsideration,* including the Supplemental Final Regulatory Flexibility Analysis and the Supplemental Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

100. The Commission SHALL SEND a copy of this *Order on Reconsideration,* including the Supplemental Final Regulatory Flexibility Analysis and Supplemental Final Regulatory Flexibility Certification, in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects

47 CFR Part 25

Communications common carriers, Communications equipment, Radio, Reporting and recordkeeping requirements, Satellites, Telecommunications.

47 CFR Part 27

Communications common carriers, Communications equipment, Incorporation by reference, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison.

Rule Changes

For the reasons discussed, the Federal Communications Commission amends 47 CFR parts 25 and 27 as follows:

PART 25—SATELLITE COMMUNICATIONS

■ 1. The authority citation for part 25 is revised to read as follows:

Authority: 47 U.S.C. 701–744. Interprets or applies sections 4, 301, 302, 303, 307, 309, and 332 of the Communications Act, as amended, 47 U.S.C. 154, 301, 302a, 303, 307, 309, and 332, unless otherwise noted.

■ 2. Section 25.202 is amended by revising paragraph (h)(4) introductory text to read as follows:

§ 25.202 Frequencies, frequency tolerance, and emission limitations.

* * * * *

(h)* * *

(4) For the purpose of this section, a WCS licensee is potentially affected if it is authorized to operate a base station in the 2305–2315 MHz or 2350–2360 MHz bands within 25 kilometers of a repeater seeking to operate with an out of band emission attenuation factor less than those prescribed in paragraphs (h)(1) or (2) of this section.

* * * * *

■ 3. Section 25.214 is amended by revising paragraph (d)(3) to read as follows:

§ 25.214 Technical requirements for space stations in the satellite digital audio radio service and associated terrestrial repeaters.

* * * * *

(d)* * *

(3) For the purpose of this section, a WCS licensee is potentially affected if it is authorized to operate a base station in the 2305–2315 MHz or 2350–2360 MHz bands within 25 kilometers of a repeater seeking to operate with a power level greater than that prescribed in paragraph (d)(1) of this section.

■ 4. Section 25.263 is amended by revising the first sentence of paragraph (b) introductory text, revising paragraph (b)(1)(ii), adding paragraphs (b)(3) through (6), and revising paragraph (e) to read as follows:

§ 25.263 Information sharing requirements for SDARS terrestrial repeater operators.

* * * * *

(b) *Notice requirements.* SDARS licensees that intend to operate a new terrestrial repeater must, before commencing such operation, provide 10 business days prior notice to all potentially affected Wireless Communications Service (WCS) licensees. * * *

(1) * * *

(ii) Is authorized to operate base station in the 2315–2320 MHz or 2345–2350 MHz bands in the same Regional Economic Area Grouping (REAG) as that in which the terrestrial repeater is to be located;

* * * * *

(3) For modifications other than changes in location, a licensee may provide notice within 24 hours after the modified operation if the modification does not result in a predicted increase

of the power flux density (PFD) at ground level by more than 1 dB since the last advance notice was given. If a demonstration is made by the WCS licensee that such modifications may cause harmful interference to WCS receivers, SDARS licensees will be required to provide notice 5 business days in advance of additional repeater modifications.

(4) SDARS repeaters operating below 2 watts equivalent isotropically radiated power (EIRP) are exempt from the notice requirements set forth in this paragraph.

(5) SDARS licensees are encouraged to develop separate coordination agreements with WCS licensees to facilitate efficient deployment of and coexistence between each service. To the extent the provisions of any such coordination agreement conflict with the requirements set forth herein, the procedures established under a coordination agreement will control. SDARS licensees must maintain a copy of any coordination agreement with a WCS license in their station files and disclose it to prospective assignees, transferees, or spectrum lessees and, upon request, to the Commission.

(6) SDARS and WCS licensees may enter into agreements regarding alternative notification procedures.

* * * * *

(e) *Duty to cooperate.* SDARS licensees must cooperate in good faith in the selection and use of new repeater sites to reduce interference and make the most effective use of the authorized facilities. SDARS licensees should provide WCS licensees as much lead time as practicable to provide ample time to conduct analyses and opportunity for prudent repeater site selection prior to SDARS licensees entering into real estate and tower leasing or purchasing agreements. Licensees of stations suffering or causing harmful interference must cooperate in good faith and resolve such problems by mutually satisfactory arrangements. If the licensees are unable to do so, the International Bureau, in consultation with the Office of Engineering and Technology and the Wireless Telecommunications Bureau, will consider the actions taken by the parties to mitigate the risk of and remedy any alleged interference. In determining the appropriate action, the Bureau will take into account the nature and extent of the interference and act promptly to remedy the interference. The Bureau may impose restrictions on SDARS licensees, including specifying the transmitter power, antenna height, or other technical or operational measures to remedy the interference, and will take into account previous measures by the licensees to mitigate the risk of interference.

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 5. The authority citation for part 27 is revised to read as follows:

Authority: 47 U.S.C. 154, 301, 302a, 303, 307, 309, 332, 336, and 337, unless otherwise noted.

■ 6. Section 27.14 is amended by revising paragraphs (p)(1), (2), (3), and (5) to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

* * * * *

(p) * * *

(1) For mobile and point-to-multipoint systems in Blocks A and B, and point-to-multipoint systems in Blocks C and D, a licensee must provide reliable signal coverage and offer service to at least 40 percent of the license area's population by March 13, 2017, and to at least 75 percent of the license area's population by September 13, 2019. If, when filing the construction notification required under § 1.946(d) of this chapter, a WCS licensee demonstrates that 25 percent or more of the license area's population for Block A, B or D is within a coordination zone as defined by § 27.73(a) of the rules, the foregoing population benchmarks are reduced to 25 and 50 percent, respectively. The percentage of a license area's population within a coordination zone equals the sum of the Census Block Centroid Populations within the area, divided by the license area's total population.

(2) For point-to-point fixed systems, except those deployed in the Gulf of Mexico license area, a licensee must construct and operate a minimum of 15 point-to-point links per million persons (one link per 67,000 persons) in a license area by March 13, 2017, and 30 point-to-point links per million persons (one link per 33,500 persons) in a licensed area by September 13, 2019. The exact link requirement is calculated by dividing a license area's total population by 67,000 and 33,500 for the respective milestones, and then rounding upwards to the next whole number. For a link to be counted towards these benchmarks, both of its endpoints must be located in the license area. If only one endpoint of a link is located in a license area, it can be counted as a one- half link towards the benchmarks.

(3) For point-to-point fixed systems deployed on any spectrum block in the Gulf of Mexico license area, a licensee must construct and operate a minimum of 15 point-to-point links by March 13, 2017, and a minimum of 15 point-to-point links by September 13, 2019.

* * * * *

(5) If an initial authorization for a license area is granted after March 13, 2013, then the applicable benchmarks in paragraphs (p)(1), (2) and (3) of this section must be met within 48 and 78 months, respectively, of the initial authorization grant date.

* * * * *

■ 7. Section 27.50 is amended by removing paragraph (a)(1)(iii) and revising paragraphs (a)(2) and (3) to read as follows:

§ 27.50 Power limits and duty cycle.

(a) * * *

(2) *Fixed customer premises equipment stations.* For fixed customer premises equipment (CPE) stations transmitting in the 2305–2320 MHz band or in the 2345–2360 MHz band, the peak EIRP must not exceed 20 watts within any 5 megahertz of authorized bandwidth. Fixed CPE stations transmitting in the 2305–2320 MHz band or in the 2345–2360 MHz band must employ automatic transmit power control when operating so the stations operate with the minimum power necessary for successful communications. The use of outdoor antennas for CPE stations or outdoor CPE station installations operating with 2 watts per 5 megahertz or less average EIRP using the stepped emissions mask prescribed in § 27.53(a)(3) is prohibited except if professionally installed in locations removed by 20 meters from roadways or in locations where it can be shown that the ground power level of -44 dBm in the A or B blocks or -55 dBm in the C or D blocks will not be exceeded at the nearest road location. The use of outdoor antennas for fixed CPE stations operating with 2 watts per 5 megahertz or less average EIRP and the emissions mask prescribed in § 27.53(a)(1)(i) through (iii) is permitted in all locations. For fixed WCS CPE using TDD technology, the duty cycle must not exceed 38 percent;

(3) *Mobile and portable stations.* (i) For mobile and portable stations transmitting in the 2305–2315 MHz band or the 2350–2360 MHz band, the average EIRP must not exceed 50 milliwatts within any 1 megahertz of authorized bandwidth, *except that* for mobile and portable stations compliant with 3GPP LTE standards or another advanced mobile broadband protocol that avoids concentrating energy at the edge of the operating band the average

EIRP must not exceed 250 milliwatts within any 5 megahertz of authorized bandwidth but may exceed 50 milliwatts within any 1 megahertz of authorized bandwidth. For mobile and portable stations using time division duplexing (TDD) technology, the duty cycle must not exceed 38 percent in the 2305–2315 MHz and 2350–2360 MHz bands. Mobile and portable stations using FDD technology are restricted to transmitting in the 2305–2315 MHz band. Power averaging shall not include intervals in which the transmitter is off.

(ii) Mobile and portable stations are not permitted to transmit in the 2315–2320 MHz and 2345–2350 MHz bands.

(iii) *Automatic transmit power control.* Mobile and portable stations transmitting in the 2305–2315 MHz band or in the 2350–2360 MHz band must employ automatic transmit power control when operating so the stations operate with the minimum power necessary for successful communications.

(iv) *Prohibition on external vehicle-mounted antennas.* The use of external vehicle-mounted antennas for mobile and portable stations transmitting in the 2305–2315 MHz band or the 2350–2360 MHz band is prohibited.

* * * * *

■ 8. Section 27.53 is amended by revising paragraphs (a)(1)(i) through (iii), (a)(2)(i) through (iii), and (a)(3) through (5) to read as follows:

§ 27.53 Emission limits.

(a) * * *

(1) * * *

(i) By a factor of not less than 43 + 10 log (P) dB on all frequencies between 2305 and 2320 MHz and on all frequencies between 2345 and 2360 MHz that are outside the licensed band(s) of operation, and not less than 75 + 10 log (P) dB on all frequencies between 2320 and 2345 MHz;

(ii) By a factor of not less than 43 + 10 log (P) dB on all frequencies between 2300 and 2305 MHz, 70 + 10 log (P) dB on all frequencies between 2287.5 and 2300 MHz, 72 + 10 log (P) dB on all frequencies between 2285 and 2287.5 MHz, and 75 + 10 log (P) dB below 2285 MHz;

(iii) By a factor of not less than 43 + 10 log (P) dB on all frequencies between 2360 and 2362.5 MHz, 55 + 10 log (P) dB on all frequencies between 2362.5 and 2365 MHz, 70 + 10 log (P) dB on all frequencies between 2365 and 2367.5 MHz, 72 + 10 log (P) dB on all frequencies between 2367.5 and 2370 MHz, and 75 + 10 log (P) dB above 2370 MHz.

(2) * * *

(i) By a factor of not less than 43 + 10 log (P) dB on all frequencies between 2305 and 2320 MHz and on all frequencies between 2345 and 2360 MHz that are outside the licensed band(s) of operation, and not less than 75 + 10 log (P) dB on all frequencies between 2320 and 2345 MHz;

(ii) By a factor of not less than 43 + 10 log (P) dB on all frequencies between 2300 and 2305 MHz, 70 + 10 log (P) dB on all frequencies between 2287.5 and 2300 MHz, 72 + 10 log (P) dB on all frequencies between 2285 and 2287.5 MHz, and 75 + 10 log (P) dB below 2285 MHz;

(iii) By a factor of not less than 43 + 10 log (P) dB on all frequencies between 2360 and 2362.5 MHz, 55 + 10 log (P) dB on all frequencies between 2362.5 and 2365 MHz, 70 + 10 log (P) dB on all frequencies between 2365 and 2367.5 MHz, 72 + 10 log (P) dB on all frequencies between 2367.5 and 2370 MHz, and 75 + 10 log (P) dB above 2370 MHz.

(3) For fixed CPE stations operating in the 2305–2320 MHz and 2345–2360 MHz bands transmitting with 2 watts per 5 megahertz average EIRP or less:

(i) By a factor of not less than 43 + 10 log (P) dB on all frequencies between 2305 and 2320 MHz and on all frequencies between 2345 and 2360 MHz that are outside the licensed band(s) of operation, not less than 55 + 10 log (P) dB on all frequencies between 2320 and 2324 MHz and between 2341 and 2345 MHz, not less than 61 + 10 log (P) dB on all frequencies between 2324 and 2328 MHz and between 2337 and 2341 MHz, and not less than 67 + 10 log (P) dB on all frequencies between 2328 and 2337 MHz;

(ii) By a factor of not less than 43 + 10 log (P) dB on all frequencies between 2300 and 2305 MHz, 55 + 10 log (P) dB on all frequencies between 2296 and 2300 MHz, 61 + 10 log (P) dB on all frequencies between 2292 and 2296 MHz, 67 + 10 log (P) dB on all frequencies between 2288 and 2292 MHz, and 70 + 10 log (P) dB below 2288 MHz;

(iii) By a factor of not less than 43 + 10 log (P) dB on all frequencies between 2360 and 2365 MHz, and not less than 70 + 10 log (P) dB above 2365 MHz.

(4) For mobile and portable stations operating in the 2305–2315 MHz and 2350–2360 MHz bands:

(i) By a factor of not less than: 43 + 10 log (P) dB on all frequencies between 2305 and 2320 MHz and on all frequencies between 2345 and 2360 MHz that are outside the licensed band(s) of operation, not less than 55 + 10 log (P) dB on all frequencies between 2320 and 2324 MHz and on all frequencies between 2341 and 2345 MHz, not less than 61 + 10 log (P) dB on all frequencies between 2324 and 2328 MHz and on all frequencies between 2337 and 2341 MHz, and not less than 67 + 10 log (P) dB on all frequencies between 2328 and 2337 MHz;

(ii) By a factor of not less than 43 + 10 log (P) dB on all frequencies between 2300 and 2305 MHz, 55 + 10 log (P) dB on all frequencies between 2296 and 2300 MHz, 61 + 10 log (P) dB on all frequencies between 2292 and 2296 MHz, 67 + 10 log (P) dB on all frequencies between 2288 and 2292 MHz, and 70 + 10 log (P) dB below 2288 MHz;

(iii) By a factor of not less than 43 + 10 log (P) dB on all frequencies between 2360 and 2365 MHz, and not less than 70 + 10 log (P) dB above 2365 MHz.

(5) *Measurement procedure.* Compliance with these rules is based on the use of measurement instrumentation employing a resolution bandwidth of 1 MHz or greater. However, in the 1 MHz bands immediately outside and adjacent to the channel blocks at 2305, 2310, 2315, 2320, 2345, 2350, 2355, and 2360 MHz, a resolution bandwidth of at least 1 percent of the emission bandwidth of the fundamental emission of the transmitter may be employed. A narrower resolution bandwidth is permitted in all cases to improve measurement accuracy provided the measured power is integrated over the full required measurement bandwidth (*i.e.,* 1 MHz). The emission bandwidth is defined as the width of the signal between two points, one below the carrier center frequency and one above the carrier center frequency, outside of which all emissions are attenuated at least 26 dB below the transmitter power.

* * * * *

■ 9. Section 27.64 is amended by adding paragraph (d) to read as follows:

§ 27.64 Protection from interference.

* * *

(d) *Harmful interference to SDARS operations requiring resolution.* The following conditions will be presumed to constitute harmful interference to SDARS operations from WCS operations in the 2305–2320 MHz and 2345–2360 MHz bands and require WCS operators to work cooperatively with SDARS operators to address areas where such power levels are exceeded and harmful interference occurs:

(1) A WCS ground signal level greater than -44 dBm in the upper or lower A or B block, or -55 dBm in the C or D block, present at a location on a roadway, where a test demonstrates that

SDARS service would be muted over a road distance of greater than 50 meters; or

(2) A WCS ground signal level exceeding -44 dBm in the upper or lower A or B block, or -55 dBm in the C or D block on a test drive route, which is mutually agreed upon by the WCS licensee and the SDARS licensee, for more than 1 percent of the cumulative surface road distance on that drive route, where a test demonstrates that SDARS service would be muted over a cumulative road distance of greater than 0.5 percent (incremental to any muting present prior to use of WCS frequencies in the area of that drive test).

■ 10. Section 27.72 is amended by revising the introductory text, paragraphs (a), (b), (c)(2)(i), (c)(3), and (e) to read as follows:

§ 27.72 Information sharing requirements.

This section requires WCS licensees in the 2305–2320 MHz and 2345–2360 MHz bands to share information regarding the location and operation of base and fixed stations (except fixed customer premises equipment) with Satellite Digital Audio Radio Service (SDARS) licensees in the 2320–2345 MHz band. Section 25.263 of this chapter requires SDARS licensees in the 2320–2345 MHz band to share information regarding the location and operation of terrestrial repeaters with WCS licensees in the 2305–2320 MHz and 2345–2360 MHz bands. WCS licensees are encouraged to develop separate coordination agreements with SDARS licensees to facilitate efficient deployment of and coexistence between each service. To the extent the provisions of any such coordination agreement conflict with the requirements set forth herein, the procedures established under a coordination agreement will control. WCS licensees must maintain a copy of any coordination agreement with an SDARS licensee in their station files and disclose it to prospective assignees, transferees, or spectrum lessees and, upon request, to the Commission.

(a) *Sites and frequency selections.* WCS licensees must select base and fixed station sites and frequencies, to the extent practicable, to minimize the possibility of harmful interference to operations in the SDARS 2320–2345 MHz band.

(b) *Prior notice periods.* WCS licensees that intend to operate a base or fixed station must, before commencing such operation, provide 10 business days prior notice to all SDARS licensees. WCS licensees that intend to modify an existing station must, before commencing such modified operation, provide 5 business days prior notice to all SDARS licensees. For the purposes of this section, a business day is defined by § 1.4(e)(2) of this chapter.

(1) For modifications other than changes in location, a licensee may provide notice within 24 hours after the modified operation if the modification does not result in a predicted increase of the power flux density (PFD) at ground level by more than 1 dB since the last advance notice was given. If a demonstration is made by the SDARS licensee that such modifications may cause harmful interference to SDARS receivers, WCS licensees will be required to provide notice 5 business days in advance of additional station modifications.

(2) WCS base and fixed stations operating below 2 watts equivalent isotropically radiated power (EIRP) are exempt from the notice requirements set forth in this paragraph.

(3) WCS and SDARS licensees may enter into agreements regarding alternative notification procedures.

(c) * * *

(2) * * *

(i) The coordinates of the proposed base or fixed stations to an accuracy of no less than ±1 second latitude and longitude;

* * * * *

(3) A WCS licensee operating base or fixed stations must maintain an accurate and up-to-date inventory of its stations, including the information set forth in § 27.72(c)(2), which shall be available upon request by the Commission.

* * * * *

(e) *Duty to cooperate.* WCS licensees must cooperate in good faith in the selection and use of new station sites and new frequencies to reduce interference and make the most effective use of the authorized facilities. WCS licensees should provide SDARS licensees as much lead time as practicable to provide ample time to conduct analyses and opportunity for prudent base station site selection prior to WCS licensees entering into real estate and tower leasing or purchasing agreements. WCS licensees must have sufficient operational flexibility in their network design to implement one or more technical solutions to remedy harmful interference. Licensees of stations suffering or causing harmful interference, as defined in § 27.64(d), must cooperate in good faith and resolve such problems by mutually satisfactory arrangements. If the licensees are unable to do so, the Wireless Telecommunications Bureau, in consultation with the Office of Engineering and Technology and the International Bureau, will consider the actions taken by the parties to mitigate the risk of and remedy any alleged interference. In determining the appropriate action, the Bureau will take into account the nature and extent of the interference and act promptly to remedy the interference. The Bureau may impose restrictions on WCS licensees, including specifying the transmitter power, antenna height, or other technical or operational measures to remedy the interference, and will take into account previous measures by the licensees to mitigate the risk of interference.

■ 11. Section 27.73 is amended by revising the introductory text and paragraphs (a), (b), and (c) to read as follows:

§ 27.73 WCS, AMT, and Goldstone coordination requirements.

This section requires Wireless Communications Services (WCS) licensees in the 2305–2320 MHz and 2345–2360 MHz bands, respectively, to coordinate the deployment of base and fixed stations (except fixed customer premises equipment) with the Goldstone, CA Deep Space Network (DSN) facility in the 2290–2300 MHz band and with Aeronautical Mobile Telemetry (AMT) facilities in the 2360–2395 MHz band; and to take all practicable steps necessary to minimize the risk of harmful interference to AMT and DSN facilities.

(a) WCS licensees operating base and fixed stations in the 2345–2360 MHz band must, prior to operation of such stations, achieve a mutually satisfactory coordination agreement with the AMT entity(ies) (*i.e.,* FCC licensee(s) and/or Federal operator(s)) for any AMT receiver facility within 45 kilometers or radio line of sight, whichever distance is larger, of the intended WCS base or fixed station location. The coordinator for the assignment of flight test frequencies in the 2360–2390 MHz band, Aerospace and Flight Test Radio Coordination Council (AFTRCC) or successors of AFTRCC, will facilitate a mutually satisfactory coordination agreement between the WCS licensee(s) and AMT entity(ies) for existing AMT receiver sites. The locations of current Federal and non-Federal AMT receiver sites may be obtained from AFTRCC at Post Office Box 12822 Wichita, KS 67277–2822, (316) 946–8826, or successor frequency coordinators of AFTRCC. Such coordination agreement shall provide protection to existing AMT receiver stations consistent with International Telecommunication Union (ITU) Recommendation ITU–R M.1459, ''Protection criteria for telemetry

systems in the aeronautical mobile service and mitigation techniques to facilitate sharing with geostationary broadcasting-satellite and mobile-satellite services in the frequency bands 1 452–1 525 MHz and 2 310–2 360 MHz May 2000 edition,'' adopted May 2000, as adjusted using generally accepted engineering practices and standards to take into account the local conditions and operating characteristics of the applicable AMT and WCS facilities. This ITU document is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and approved by the Director of Federal Register. Copies of the recommendation may be obtained from ITU, Place des Nations, 1211 Geneva 20, Switzerland, or online at *http://www.itu.int/en/publications/Pages/default.aspx.* You may inspect a copy at the Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www/archives.gov/federal_ register/code_of_federal_regulations/ibr_locations.html.*

(b) WCS licensees operating base and fixed stations in the 2305–2320 MHz band must, prior to operation of such stations, achieve a mutually satisfactory coordination agreement with the National Aeronautics and Space Administration (NASA) within 145 kilometers of the Goldstone, CA earth station site (35°25′33″ N, 116°53′23″ W).

(c) After base or fixed station operations commence, upon receipt of a complaint of harmful interference, the WCS licensee(s) receiving the complaint, no matter the distance from the NASA Goldstone, CA earth station or from an AMT site, operating in the 2305–2320 or 2345–2360 MHz bands, respectively, shall take all practicable steps to immediately eliminate the interference.

* * * * *

[FR Doc. 2013–02907 Filed 2–8–13; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2013–0011]

RIN 2127–AL11

Federal Motor Vehicle Safety Standards; Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; response to petition for reconsideration.

SUMMARY: On July 27, 2009, NHTSA published a final rule that amended the Federal motor vehicle safety standard for air brake systems by requiring substantial improvements in stopping distance performance on new truck tractors. This final rule responds to petitions for reconsideration of a July 27, 2011 final rule that slightly relaxed the stopping distance requirement for typical loaded tractors tested from an initial speed of 20 mph. NHTSA is granting the request to remove the stopping distance requirements for speeds of 20 mph and 25 mph and denying the request to relax the stopping distance requirements for speeds between 30 mph and 55 mph.

DATES: This final rule is effective February 11, 2013.

Petitions for reconsideration must be received not later than March 28, 2013.

ADDRESSES: Petitions for reconsideration should refer to the docket number and must be submitted to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For technical issues, you may contact George Soodoo, Office of Crash Avoidance Standards, by telephone at (202) 366–4931, and by fax at (202) 366–7002.

For legal issues, you may contact David Jasinski, Office of the Chief Counsel, by telephone at (202) 366–2992, and by fax at (202) 366–3820.

You may send mail to both of these officials at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

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I. Background of the Stopping Distance Requirement

On July 27, 2009, NHTSA published a final rule in the **Federal Register** amending Federal Motor Vehicle Safety Standard (FMVSS) No. 121, *Air Brake Systems,* to require improved stopping distance performance for heavy truck tractors.[1] This rule reduced the maximum allowable stopping distance, from 60 mph, from 355 feet to 250 feet for the vast majority of loaded heavy truck tractors. For a small minority of loaded very heavy tractors, the maximum allowable stopping distance was reduced from 355 feet to 310 feet. Having come to the conclusion that modifications needed for ''typical three-axle tractors'' to meet the improved requirements were relatively straightforward, NHTSA provided two years lead time for those vehicles to comply with the new requirements. These typical three-axle tractors comprise approximately 82 percent of the total fleet of heavy tractors. The agency concluded that other tractors, which are produced in far fewer numbers and may need additional work to ensure stability and control while braking, would need more lead time to meet the requirements. Due to extra time needed to design, test, and validate these vehicles, which included two-axle tractors and severe service tractors, the agency allowed four years lead time for these tractors to meet the improved stopping distance requirements.

Requirements in FMVSS No. 121 provide that if the speed attainable by a vehicle in two miles is less than 60 mph, the speed at which the vehicle shall meet the specified stopping distances is four to eight mph less than the speed attainable in two miles. In the July 2009 final rule, the agency used an equation to derive the required stopping distances for vehicles with initial speeds of less than 60 mph.[2]

$$S_t = (\tfrac{1}{2} V_o t_r) + ((\tfrac{1}{2}) V_o^2/a_f) - ((1/24) a_f t_r^2)$$

Where:

S_t = Total stopping distance in feet
V_o = Initial Speed in ft/sec
t_r = Air pressure rise time in seconds
a_f = Steady-state deceleration in ft/sec^2

For the final rule, the agency selected an air pressure rise time of 0.45 seconds,

[1] 74 FR 37122; Docket No. NHTSA–2009–0083–0001.

[2] The complete derivation for this equation was included in the docket. See Docket No. NHTSA–2005–21462–0039, at 18–22.

which is equal to the brake actuation timing requirement in FMVSS No. 121. The steady-state deceleration was based on a theoretical deceleration curve in which vehicle deceleration would increase linearly during the rise time portion of the stopping event, followed by constant steady-state deceleration, followed by an instantaneous decrease in acceleration back to zero at the completion of the stop. Table II in FMVSS No. 121 sets forth the stopping distance requirements for speeds from 60 mph down to 20 mph (in increments of 5 mph) for both typical and severe service tractors in the loaded conditions and all tractors in the unloaded condition derived using that formula.

In a final rule published in the **Federal Register** on November 13, 2009, the agency addressed petitions for reconsideration regarding the stopping distance requirements for reduced speeds, the omission of four-axle tractors under 59,600 pounds gross vehicle weight rating (GVWR) from the listed requirements and the date on which the improved stopping distance requirements should apply to those tractors, the manner in which NHTSA characterized the typical three-axle tractor, and the fuel tank fill level testing specification.[3] The November 2009 final rule made the following amendments: (1) The agency accepted the recommendation of the petitioners and required compliance with the improved stopping distance requirements for tractors with four or more axles and a GVWR of 59,600 pounds or less by August 1, 2013, thereby giving four years of lead time; (2) the agency revised the definition of a ''typical three-axle tractor'' in the regulatory text to include three-axle tractors having a steer axle gross axle weight rating (GAWR) of 14,600 pounds or less and a combined drive axle GAWR of 45,000 pounds or less; (3) the agency removed the fuel tank loading specification from the test procedure; (4) the agency made two typographical corrections.[4]

In a final rule published in the **Federal Register** on July 27, 2011, the agency responded to petitions for reconsideration with respect to the new stopping distance requirements from reduced initial speeds.[5] The agency increased the stopping distances set forth in Table II of FMVSS No. 121 for typical tractors in the loaded condition (column (3)) and for unloaded tractors (column (6)) from an initial speed of 20 mph. For typical tractors in the loaded condition, the agency increased the stopping distance from an initial speed of 20 mph from 30 feet to 32 feet.

The agency made this change after conducting additional tractor testing.[6] In the test program, one of the agency's three-axle tractors that had been used in previous brake research was loaded to a modified gross vehicle weight so that it was able to stop from 60 mph as close as possible to the 250-foot stopping distance requirements. Additional tests were then conducted at each initial speed specified in Table II of FMVSS No. 121 in both the loaded and unloaded condition.

The 60 mph stop showed a slightly different deceleration profile compared to the idealized deceleration profile that was predicted by the stopping distance equation. For example, the equation assumed that the deceleration rate would remain steady for the majority of the stop. However, testing found varying deceleration rates during the stop with slightly higher deceleration rates as the vehicle's speed approached zero. By averaging the stopping distances from six stops from each speed in each loading condition, the agency was able to compare the test results to Table II. The test tractor performed slightly better than the Table II stopping distance requirements at each test speed between 30 mph and 55 mph. At 25 mph, the test tractor closely matched the Table II stopping distance (44.2 feet in testing compared to 45 feet in Table II). However, at 20 mph, the test tractor performed worse than the Table II stopping distance (31.2 feet in testing compared to 30 feet in Table II).

The agency concluded that the tractor testing demonstrated that there were slight inaccuracies in the equation due to the theoretical deceleration profile's not matching the test tractor. We found that braking tests with initial speeds below 35 mph are of such short duration that there is insufficient time to attain and maintain the level of steady-state deceleration performance that is seen from higher initial braking speeds. However, the agency determined that additional research would not likely lead to improvements in the robustness of the equation, nor would it be likely to suggest a need for any significant changes to the Table II stopping distance requirements.

II. Petition for Reconsideration

NHTSA received one petition for reconsideration of the July 2011 final rule from the Truck & Engine Manufacturers Association (EMA).[7] The petition for reconsideration addressed two issues. First, EMA requested that the agency amend the reduced-speed stopping distances for loaded tractors that fall outside of the definition of a typical three-axle tractor. Second, EMA requested that the agency amend FMVSS No. 121 to remove the stopping distance requirements for initial speeds of 20 and 25 mph.

The Heavy Duty Brake Manufacturers Council (HDBMC) submitted a document that it styled as comments regarding the July 2011 final rule. In its comments, HDBMC requested that the agency do four things: (1) Reconsider adopting HDBMC's recommendations regarding stopping distances at lower speeds;[8] (2) eliminate the 20 mph stopping distance requirements from Table II; (3) initiate additional research to study the effect of different design solutions on stopping distance from 25 and 30 mph and revise Table II based on that research; and (4) consider the impact of the agency's 20 mph stopping distance requirements on in-service braking performance set by the Federal Motor Carrier Safety Administration (FMCSA). Because HDBMC's submission was styled as a comment, we will consider it to the extent it is applicable to EMA's petition for reconsideration.

III. Response to Petition

A. Stopping Distance Requirements at Speeds Between 30 and 55 MPH

EMA's first request in its petition for reconsideration is for NHTSA to reduce the stopping distance requirements in Table II of FMVSS No. 121 for initial speeds between 30 mph and 55 mph. EMA acknowledged NHTSA has conducted testing at lower speeds, but EMA contended that NHTSA's testing of a single tractor falls short of what is needed to confirm that the reduced-speed stopping distance requirements are appropriate for all types of tractors regulated by FMVSS No. 121. Further, EMA asserted that the tractor tested by the agency was not representative of a typical three-axle tractor because it was equipped with 24.5 inch diameter wheels, instead of the more common 22.5 inch diameter wheels, which provided the tractor with additional tire-to-road surface friction. EMA also

[3] 74 FR 58562; Docket No. NHTSA–2009–0175–0001.

[4] The agency made further correcting amendments to correct an omission in the November 2009 final rule. See 75 FR 15620 (Mar. 30, 2010); Docket No. 2009–0175–0004.

[5] 76 FR 44829; Docket No. 2009–0175–0006.

[6] *Experimental Measurement of the Stopping Performance of a Tractor-Semitrailer from Multiple Speeds,* Report No. DOT HS 811 488 (June 2011); Docket No. 2009–0175–0005.

[7] Docket No. NHTSA–2009–0175–0008.

[8] See Docket Nos. NHTSA–2005–21462–0020; NHTSA–2009–0083–0004.

stated that the agency's testing was insufficient to justify the reduced-speed stopping distance requirements because the test tractor was equipped with disc brakes on the steer axle, which generated braking power more quickly than if drum brakes had been used. It also stated that, for the fully loaded testing, the vehicle had been loaded to a lighter weight than the tractor was rated for, which improved its braking performance by allowing brake torque to be generated in less time and with less brake fade during the stops. EMA also asserted that the tractor's brakes were conditioned much more thoroughly than is done using the FMVSS No. 121 brake burnishing procedure, which enhanced the vehicle's braking performance. Even assuming that the vehicle tested by the agency was representative of a typical three-axle tractor, EMA asserted that the testing cannot be used to validate the stopping distance requirements for two-axle tractors or severe service tractors.

EMA included with its petition the results of TruckSim computer simulations used to determine the braking performance at reduced initial speeds for two types of tractors (normal duty and severe duty) that EMA stated had the precise braking improvements needed to meet the new 60 mph stopping distance requirements for each type of tractor (250 feet and 310 feet, respectively). EMA's TruckSim results are shown in Table 1.

TABLE 1—EMA TRUCKSIM STOPPING DISTANCE RESULTS

Initial braking speed (mph)	EMA TruckSim results, typical tractor (stopping distance in feet)	EMA TruckSim results, severe service tractor (stopping distance in feet)
30	74	86
35	96	111
40	122	143
45	150	177
50	180	212
55	214	260

EMA also included an appendix showing stopping distance performance from reduced speeds of seven tractors that are considered typical three-axle tractors. EMA observed that, although the compliance margins for stops from 60 mph ranged from 10.5 to 12.3 percent, the compliance margins for stops from 30 mph varied much more greatly, from –3.2 to 16.3 percent. A summary of EMA's three-axle testing appears in Table 2.

TABLE 2—EMA TYPICAL THREE-AXLE TRACTOR TEST RESULTS

Speed (mph)	FMVSS No. 121 stopping distance requirement (feet)	Stopping distance performance (feet)						
		Vehicle A	Vehicle B	Vehicle C	Vehicle D	Vehicle E	Vehicle F	Vehicle G
30	65	54.4	67.1	56.3	.....	61.4	56.9	59.3
35	89	.....	.....	.....	.....	.....	.....	.....
40	114	93.0	.....	92.3	96.2	98.2	99.0	97.7
45	144	.....	.....	.....	.....	.....	.....	.....
50	176	143.6	.....	151.0	.....	152.4	.....	156.5
55	212	.....	.....	.....	.....	.....	.....	.....
60	250	219.2	220.1	219.8	220.2	223.6	.....	223.7

EMA requested in its petition that the agency adopt the stopping distances for initial test speeds between 30 mph and 55 mph set forth in Table I in place of the existing stopping distance requirements specified in Table II of FMVSS No. 121. Alternatively, EMA requested that the agency should change the stopping distance requirements from reduced initial speeds back to those that were in place prior to the July 2009 final rule.

For the reasons discussed below, we do not believe changes to the reduced speed stopping distance requirements are necessary, nor do we believe that unique or complicated braking systems (that is, modifications beyond those contemplated in the July 2009 final rule) are needed to comply with the requirements that went into effect for typical three-axle tractors on August 1, 2011 and will go into effect for 4x2 and severe-service tractors on August 1, 2013. We note that, although EMA's petition expressly requested that NHTSA change the stopping distance requirements at reduced speeds for severe-service tractors, EMA's petition contained substantial discussion regarding the stopping distance requirements for typical tractors. Thus, the agency has considered all of the reduced speed stopping distance requirements in the loaded condition.

By way of background, the agency notes that, in setting the requirements for tractor stopping distances at reduced initial test speeds, the agency did not intend that unique or complicated brake systems would be needed solely to meet the new requirements at reduced initial test speeds. The agency assumed that most tractors would require some type of foundation brake system improvement in order to meet the new 60 mph stopping distance requirements of 250 feet for typical tractors and 310 feet for severe-service tractors. As discussed in the July 2009 final rule, the agency's best estimate was that, at a minimum, all typical three-axle tractors would need to have larger S-cam drum foundation brakes installed on the steer and drive axles and all two-axle tractors and severe-service tractors would need to be equipped with disc brakes on the steer and drive axles in order to meet the new 60 mph stopping distance requirements with an adequate margin for compliance.[9] EMA's current petition for reconsideration suggests that, without changing the stopping distance requirements for reduced initial speeds, vehicle manufacturers will need to develop unique or complicated braking systems to comply with these requirements.

In its petition for reconsideration, EMA raised several issues regarding the

[9] See 74 FR 37152–53.

validity of the agency's testing of stopping distance from reduced initial speeds. The outcome of this testing led NHTSA to make minor adjustments in the July 2011 final rule to the Table II stopping distance requirements final rule from an initial speed of 20 mph.

The agency selected the vehicle that was tested based on its prior 60 mph stopping distance of 249 feet, which is nearly equal to the upgraded 60 mph stopping distance requirement. However, when the tractor was prepared for additional testing, its 60 mph stopping distance was found to have increased to approximately 295 feet. Therefore, a substantial amount of ballast reduction was necessary to improve the tractor's performance to reach a zero margin of compliance relative to the 60 mph stopping distance requirement. Contrary to EMA's assertion that this tractor had braking performance that was better than normal tractors, we believe this tractor had poor braking performance that required the agency to remove ballast weight.

EMA identified four factors in the agency's test program that it believed had a disproportionately positive effect on stopping performance from reduced initial speeds:

- It was equipped with 24.5 inch diameter wheels rather than the more common 22.5 inch wheels.
- The disc brakes on the steer axle generated more braking power than drum brakes would have and caused more load transfer to the steer axle resulting in less tendency for wheel lockup.
- The reduction in test weight resulted in a lightly loaded condition and the brakes had excess power to stop the vehicle with less fade than brakes designed for a tractor with a lower GVWR.
- The additional stops conducted during the test program provided exceptional brake burnish that would not be accomplished in an FMVSS No. 121 compliance test.

The agency does not believe that any of these factors had a substantial effect on the outcome of the braking tests. Many of EMA's concerns are countered by the alteration of the ballast weight to provide a zero margin of compliance with the 250-foot stopping distance requirement from 60 mph. For example, we agree that changing the wheel diameter or type of steer axle brakes could result in better or worse braking performance than was achieved during the agency's testing. Similarly, HDBMC asserted that, by removing ballast weight and reducing the load on the tires, the tire-to-road coefficient increases, which would enable shorter stopping distances. However, had the wheel diameter, steer axle brake type, or tires been changed, the agency would have adjusted the ballast weight up or down as needed so that the tractor would have a zero margin of compliance with the 250-foot stopping distance requirement from an initial speed of 60 mph. The tractor deceleration rate is generally based on the quotient of the total braking force divided by the total vehicle weight. Thus, deceleration rate can be adjusted by increasing or decreasing the braking force or the weight.[10] That is, changing the weight normalized the braking performance so the agency could make direct comparisons of stopping distances at different speeds.

Regarding the brake burnish, we note that the vehicle's braking performance was consistent throughout the test program. Furthermore, after testing at reduced speeds, the agency conducted additional stops from 60 mph to ensure the vehicle's stopping distance performance had not changed. As indicated in the agency's test report, nothing about the vehicle's stopping distance performance changed during testing.[11]

Regarding the issue of whether the agency's test tractor is representative of a 4x2 tractor or a severe-service tractor, which was raised by both EMA and HDBMC, we believe that all types of tractors share the same overall characteristics in terms of brake system reaction time and steady-state deceleration. The largest severe-service tractors are expected to have lower steady-state deceleration based on prior agency testing at 60 mph. Thus, they are provided with longer allowable stopping distances than lighter tractors. However, we would not expect that the brake systems would perform substantially differently. EMA did not provide any detailed test data showing that these other types of tractors brake differently from reduced initial speeds than the typical three-axle tractor that the agency tested. The test data provided by EMA to the agency in 2006 for 4x2 and severe-service tractors addressed only the initial test speed of 60 mph.[12]

The agency has reviewed the stopping distance data that EMA listed in Appendix A of its petition for typical three-axle tractors. Test results were not provided for each of the seven tractors at each initial test speed. Six of the tractors were tested from 60 mph, four were tested from 50 mph, six were tested from 40 mph, and six were tested from 30 mph.

The 60 mph braking performance for the six vehicles that were tested showed stopping distances between 219 and 224 feet, corresponding to margins of compliance with the upgraded stopping distance requirement of 10 to 12 percent. From an initial test speed of 50 mph the four vehicles that were tested had stopping distances between 143 and 157 feet, corresponding to an 11 to 18 percent margin of compliance with the 176-foot stopping distance requirement from 50 mph. From an initial test speed of 40 mph, the four tractors that were tested had stopping distances between 92 and 99 feet, corresponding to a 13 to 19 percent margin of compliance with the 114-foot stopping distance requirement.

From an initial test speed of 30 mph, the current FMVSS No. 121 stopping distance requirement is 65 feet. Three of the tractors tested by EMA met this requirement with at least a 10 percent margin of compliance. One tractor met this requirement with a 9 percent margin of compliance. One tractor met this requirement with a 6 percent margin of compliance. One tractor (Vehicle B) had a stopping distance of 67 feet, which was 3 percent longer than the FMVSS No. 121 requirement. Vehicle B test data was only provided at initial test speeds of 30 mph and 60 mph.

The agency could not conduct a technical evaluation of EMA's stopping distance results. EMA did not provide details regarding how many stops were conducted at each speed. This is important because the FMVSS No. 121 stopping distance requirement states that a vehicle must stop within the distance specified in Table II at least once out of six stops. If six stops were conducted, EMA's data does not show how much variability occurred in each tractor's six-stop series. Moreover, EMA did not provide information about the specific tractors tested such as GVWR, GAWRs, wheelbase, type and size of brake components, antilock brake system configurations, and brake application timing, which would provide more information regarding braking performance. Without this information, the agency cannot determine what measures might be needed in order for Vehicle B's braking performance to be improved to meet the 65-foot stopping distance requirement from 30 mph. The difference in performance from Vehicle B could be explained by differences in brake

[10] An upper deceleration limit could be reached if the brakes can generate sufficient torque to lock up all of the vehicle's wheels. However, this limit was not reached in the agency's tests.

[11] See Docket No. NHTSA–2009–0175–0005, at 13, 17.

[12] See Docket No. NHTSA–2005–21462–0034.

systems among the seven tractors tested. However, EMA did not provide sufficient details for the agency to determine if any of the brake system differences would be considered to be unique or complicated beyond the brake system improvements contemplated by the agency in its July 2009 final rule.

Similarly, the TruckSim results provided by EMA do not contain sufficient detail to justify a change to the stopping distance requirements. Aside from stating that the simulated tractors were equipped with brake system improvements needed to meet the 60 mph stopping distance requirements, EMA did not provide any information of the characteristics of the simulated tractors, including the number of axles, GVWR, GAWR, foundation brake type and size, brake actuator size, brake application timing, brake system deceleration rise time, or stopping distance deceleration profiles for the agency to review. Without sufficient details underlying the simulation, the agency cannot accept the simulation results as sufficient justification to revise the stopping distance requirements.

Based on the foregoing, the agency concludes that EMA's assertion that unique or complicated brake systems would be needed to meet the stopping distance requirements from reduced initial test speeds is not supported by the information before the agency. Without details regarding the testing of tractor brake testing or the TruckSim simulations, those results do not demonstrate that brake systems changes other than those contemplated by the July 2009 final rule are necessary to meet the reduced stopping distance requirements. Accordingly, the agency is denying EMA's request to amend Table II of FMVSS No. 121 to increase the required stopping distance from reduced initial test speeds between 30 and 55 mph.

B. Stopping Distance Requirements at Speeds of 20 and 25 MPH

EMA also requested that NHTSA amend FMVSS No. 121 to remove the stopping distance performance requirements at initial speeds of 20 and 25 mph. As set forth in S3, FMVSS No. 121 does not apply to any truck or bus that has a speed attainable in 2 miles of not more than 33 mph. For vehicles that cannot attain a speed of 60 mph in 2 miles, the vehicle is required to stop from a speed in Table II or IIa that is 4 to 8 mph less than the speed attainable in 2 miles.[13] Therefore, a tractor that can only attain a speed of 34 mph would be tested from an initial speed of 30 mph, and there are no vehicles that would be subjected to testing from an initial speed of 20 or 25 mph.

EMA states that, because the stopping distances from 20 and 25 mph have no bearing on compliance with FMVSS No. 121, maintaining those stopping distances in FMVSS No. 121 wastes time and resources and keeps a potentially confusing contradiction in the standard. HDBMC supported eliminating the 20 mph stopping distances from FMVSS No. 121.

We agree with EMA inasmuch as they state that maintaining the 20 and 25 mph stopping distance is unnecessary because those stopping distances do not apply to any vehicle subject to FMVSS No. 121.[14] Accordingly, we are granting EMA's request to delete the 20 and 25 mph stopping distances for all vehicle types from Tables II and IIa in FMVSS No. 121 for both the service brake and the emergency brake. This final rule replaces Tables II and IIa with new tables without stopping distances for 20 and 25 mph that are otherwise substantively unchanged.[15]

IV. Administrative Procedure Act Requirements

This final rule eliminates the 20 and 25 mph stopping distances from Table II for all types of vehicles subject to FMVSS No. 121, including buses and single unit trucks that were not addressed in the rulemaking proceeding leading to the July 2009, November 2009, and July 2011 final rules. This final rule does not impose any substantive requirements. It simply removes stopping distances from Tables II and IIa that are not requirements for any vehicle subject to FMVSS No. 121. This final rule will have no substantive effect. Therefore the agency has determined that notice and opportunity for public comment pursuant to 5 USC 553(b) is unnecessary.

A rule ordinarily cannot take effect earlier than 30 days after it is published pursuant to 5 USC 553(d) except when the agency finds, among other things, good cause for an earlier effective date. In addition, 49 USC 30111(d) provides that a Federal motor vehicle safety standard may not become effective before the 180th day after the standard is prescribed or later than one year after it is prescribed except when a different effective date is, for good cause shown, in the public interest. These amendments would not impose new requirements; rather, these amendments simply delete stopping distances at speeds that are not tested by the agency and will have no substantive effect. Therefore, good cause exists for these amendments to be made effective immediately.

V. Rulemaking Analyses and Notices

A. Executive Order 12866, Executive Order 13563, and DOT Regulatory Policies and Procedures

The agency has considered the impact of this rulemaking action under Executive Orders 12866 and 13563 and the DOT's regulatory policies and procedures. This action was not reviewed by the Office of Management and Budget under Executive Order 12866. The agency has considered the impact of this action under the Department of Transportation's regulatory policies and procedures (44 FR 11034; February 26, 1979), and has determined that it is not ''significant'' under them.

This action completes the agency's response to petitions for reconsideration regarding the July 2011 final rule amending FMVSS No. 121. This final rule deletes stopping distances from the tables in FMVSS No. 121 for speeds that are not tested by NHTSA. Today's action will not cause any additional expenses for vehicle manufacturers. This action will not have any safety impacts.

B. Privacy Act

Anyone is able to search the electronic form of all documents received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://docketsinfo.dot.gov/*.

C. Other Rulemaking Analyses and Notices

In the July 2009 final rule, the agency discussed relevant requirements related to the Regulatory Flexibility Act, the National Environmental Policy Act, Executive Order 13132 (Federalism), the Unfunded Mandates Reform Act, Civil Justice Reform, the National Technology

[13] Tractors that are not what the agency considers ''typical three-axle tractors'' have additional lead time to comply with the improved stopping distance requirements. Prior to August 1, 2013, those tractors may comply with the stopping distance requirements in Table IIa.

[14] We need not comment on EMA's other bases for removing the 20 and 25 mph stopping distances from FMVSS No. 121.

[15] We have also taken the opportunity to correct a formatting error in Table IIa. The present version of the table separates the term ''PFC'' (peak coefficient of friction) from the 0.9 value for PFC. The correct format is included in this final rule.

Transfer and Advancement Act, the Paperwork Reduction Act, and Executive Order 13045 (Protection of Children from Environmental Health and Safety Risks). As today's final rule merely deletes stopping distances from the table in FMVSS No. 121 for speeds that are not tested by NHTSA, it will not have any effect on the agency's analyses in those areas.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

In consideration of the foregoing, NHTSA amends 49 CFR Part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 of Title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95.

■ 2. In § 571.121, revise Table II and Table IIA to read as follows:

§ 571.121 Standard No. 121; Air brake systems.

* * * * *

TABLE II—STOPPING DISTANCE IN FEET

Vehicle speed in miles per hour	Service brake						Emergency brake	
	PFC 0.9 (1)	PFC 0.9 (2)	PFC 0.9 (3)	PFC 0.9 (4)	PFC 0.9 (5)	PFC 0.9 (6)	PFC 0.9 (7)	PFC 0.9 (8)
30	70	78	65	78	84	61	170	186
35	96	106	89	106	114	84	225	250
40	125	138	114	138	149	108	288	325
45	158	175	144	175	189	136	358	409
50	195	216	176	216	233	166	435	504
55	236	261	212	261	281	199	520	608
60	280	310	250	310	335	235	613	720

Note:
(1) Loaded and Unloaded Buses.
(2) Loaded Single-Unit Trucks.
(3) Loaded Tractors with Two Axles; or with Three Axles and a GVWR of 70,000 lbs. or less; or with Four or More Axles and a GVWR of 85,000 lbs. or less. Tested with an Unbraked Control Trailer.
(4) Loaded Tractors with Three Axles and a GVWR greater than 70,000 lbs.; or with Four or More Axles and a GVWR greater than 85,000 lbs. Tested with an Unbraked Control Trailer.
(5) Unloaded Single-Unit Trucks.
(6) Unloaded Tractors (Bobtail).
(7) All Vehicles except Tractors, Loaded and Unloaded.
(8) Unloaded Tractors (Bobtail).

TABLE IIA—STOPPING DISTANCE IN FEET: OPTIONAL REQUIREMENTS FOR: (1) THREE-AXLE TRACTORS WITH A FRONT AXLE THAT HAS A GAWR OF 14,600 POUNDS OR LESS, AND WITH TWO REAR DRIVE AXLES THAT HAVE A COMBINED GAWR OF 45,000 POUNDS OR LESS, MANUFACTURED BEFORE AUGUST 1, 2011; AND (2) ALL OTHER TRACTORS MANUFACTURED BEFORE AUGUST 1, 2013

Vehicle speed in miles per hour	Service Brake				Emergency Brake	
	PFC 0.9 (1)	PFC 0.9 (2)	PFC 0.9 (3)	PFC 0.9 (4)	PFC 0.9 (5)	PFC 0.9 (6)
30	70	78	84	89	170	186
35	96	106	114	121	225	250
40	125	138	149	158	288	325
45	158	175	189	200	358	409
50	195	216	233	247	435	504
55	236	261	281	299	520	608
60	280	310	335	355	613	720

Note: (1) Loaded and unloaded buses; (2) Loaded single unit trucks; (3) Unloaded truck tractors and single unit trucks; (4) Loaded truck tractors tested with an unbraked control trailer; (5) All vehicles except truck tractors; (6) Unloaded truck tractors.

* * * * *

Issued On: February 4, 2013.

David L. Strickland,

Administrator.

[FR Doc. 2013–02987 Filed 2–8–13; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 78, No. 28
Monday, February 11, 2013

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 948

[Doc. No. AMS–FV–12–0044; FV12–948–2 PR]

Irish Potatoes Grown in Colorado; Reestablishment of Membership on the Colorado Potato Administrative Committee, Area No. 2

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on reestablishing the membership on the Colorado Potato Administrative Committee, Area No. 2 (Committee). The Committee locally administers the marketing order regulating the handling of Irish potatoes grown in Colorado. This rule would modify the Committee membership structure by amending the position allocated to a producer from Conejos County. Beginning with the 2013–2014 term of office, such designated Committee position would be allocated to an eligible producer operating in either Conejos or Costilla County. This action is expected to improve Committee representation for producers from this sub-region of the production area.

DATES: Comments must be received by April 12, 2013.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Barry Broadbent, Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *Barry.Broadbent@ams.usda.gov* or *GaryD.Olson@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Laurel May, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Laurel.May@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Agreement No. 97 and Marketing Order No. 948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposal invites comments on reestablishing the membership structure of the Committee. This rule would modify the current Committee membership structure by amending the position currently allocated to a producer from Conejos County. Beginning with the 2013–2014 term of office, such designated Committee position would be allocated to an eligible producer operating in either Conejos or Costilla County. This action is expected to improve Committee representation for producers from this sub-region of the production area. This change was unanimously recommended by the Committee at a meeting held on July 19, 2012.

Section 948.4 of the order divides the State of Colorado into three areas of regulation for marketing order purposes. These areas include: Area No. 1, commonly known as the Western Slope; Area No. 2, commonly known as San Luis Valley; and, Area No. 3, which consists of the remaining producing areas within the State of Colorado not included in the definition of Area No. 1 or Area No. 2. Currently, the order only regulates the handling of potatoes produced in Area No. 2 and Area No. 3. Regulation for Area No. 1 has been suspended.

Section 948.50 of the order establishes committees as administrative agencies for each of the areas set forth under § 948.4. The reestablishment of areas, subdivisions of areas, the distribution of representation among the subdivision of areas, or among marketing organizations within the areas is authorized under § 948.53. Such reestablishment is made by the Secretary upon the recommendation of the affected area committee. In recommending any such changes, the area committee shall consider, among other things, the relative production and the geographic locations of producing sections as they would affect the efficiency of administration of the order.

Section 948.150(a) of the order's administrative rules prescribes the Area No. 2 Committee membership, as reestablished under previous

rulemaking actions, with nine producer members and five handler members. The nine producer positions are designated to represent various sub-regions of the production area. Currently, § 948.150(a)(3) specifically dedicates one of those producer positions to a producer from Conejos County.

At its meeting on July 19, 2012, the Committee unanimously recommended modifying the Committee membership structure by amending the position allocated to a producer from Conejos County. The Committee acknowledged that the position has been increasingly hard to fill as the number of potato producers located in Conejos County eligible to serve on the Committee has declined. The Committee attributed the decrease in the number of producers to a number of issues in that area, including competition from alternative crops and industry consolidation.

The Committee believes that allocating the position specified in § 948.150(a)(3) to a producer from either Conejos or Costilla County, instead of just from Conejos County, would increase the pool of potential Committee participants from that general sub-region of the production area. Conejos County and Costilla County adjoin each other on the southern boundary of the production area and share similar climates, soils, production resources, and marketing opportunities. Producers from either of the two counties would be able to adequately represent this sub-region of the production area on the Committee. Producers from Costilla County are currently able to serve on the Committee in the position allocated in § 948.150(a)(5). This position is designated to a producer from all other counties in the Area No. 2 production area that do not have specified representation as provided in § 948.150(a)(1) through (4). This change is expected to increase the pool of potential participants eligible to serve on the Committee and to improve representation for producers from both Conejos and Costilla Counties. This proposed action was unanimously recommended by the full Committee.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA)(5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 80 handlers of Colorado Area No. 2 potatoes subject to regulation under the order and approximately 180 producers in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000.

During the 2010–2011 marketing year, the most recent full marketing year for which statistics are available, 15,583,512 hundredweight of Colorado Area No. 2 potatoes were inspected under the order and sold into the fresh market. Based on an estimated average f.o.b. price of $12.75 per hundredweight, the Committee estimates that 71 Area No. 2 handlers, or about 89 percent, had annual receipts of less than $7,000,000. In view of the foregoing, the majority of Colorado Area No. 2 potato handlers may be classified as small entities.

In addition, based on information provided by the National Agricultural Statistics Service, the average producer price for Colorado fall potatoes for 2010–2011 was $9.37 per hundredweight. The average annual fresh potato revenue for each of the 180 Colorado Area No. 2 potato producers is therefore calculated to be approximately $811,208. Consequently, on average, many of the Area No. 2 Colorado potato producers may not be classified as small entities.

This rule would reestablish the Area No. 2 Committee membership structure currently prescribed under § 948.150(a) of the order by amending the position allocated to a producer from Conejos County (§ 948.150(a)(3)). Beginning with the 2013–2014 term of office, such designated Committee position would be allocated to an eligible producer operating in either Conejos or Costilla County. Authority for this action is contained in §§ 948.50 and 948.53.

At the meeting, the Committee discussed the potential impact of this change on handlers and producers. The proposed change is expected to improve Committee representation for producers from this general sub-region of the production area. Further, the proposed modification is not anticipated to have any financial or regulatory impact on the area's potato producers or handlers. Lastly, the benefits resulting from this rule are not expected to be disproportionately greater or less for small handlers or producers than for larger entities.

The Committee discussed alternatives to this proposed change including taking no immediate action, reviewing the issue in the future, and redesignating the Committee position to be an at-large position that could be filled by producers from across the entire production area.

The Committee believes that representation on the Committee by producers from each of the sub-regions of the production area is important for the efficient administration of the order. The Committee also feels that the declining trend in the number of producers in Conejos County is not likely to be self-reversing. As such, the Committee determined that there would not be any benefit to delaying corrective action to resolve this Committee representation issue and readdressing it in the future. In addition, the Committee determined that changing the position designated to a producer from Conejos County into an at-large position could jeopardize the representation for producers from that southern sub-region. As such, the Committee concluded that both of the above options would not be sufficiently responsive to the current situation and modifying the membership structure as recommended is the best course of action to take at this time.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. In addition, USDA has not identified any

relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the Colorado potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the July 19, 2012, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Laurel May at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is proposed to be amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

■ 1. The authority citation for 7 CFR part 948 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. In § 948.150, paragraph (a)(3) is revised to read as follows:

§ 948.150 Reestablishment of committee membership.

* * * * *

(a) * * *

(3) One (1) producer from either Conejos or Costilla County.

* * * * *

Dated: February 5, 2013.

David R. Shipman,

Administrator, Agricultural Marketing Service.

[FR Doc. 2013–02979 Filed 2–8–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2012–BT–STD–0047]

RIN 1904–AC88

Energy Efficiency Program for Consumer Products: Energy Conservation Standards for Residential Boilers

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

ACTION: Notice of public meeting and availability of the Framework Document.

SUMMARY: The U.S. Department of Energy (DOE) is initiating the rulemaking and data collection process to consider amending the energy conservation standards for residential boilers. This rulemaking will satisfy the statutory requirement for DOE to conduct a second round of energy conservation standards rulemaking for residential boilers, and it will also fulfill DOE's statutory obligation to review energy conservation standards within six years after issuance of any final rule establishing or amending a standard to determine whether such standards should be amended. After concluding its initial review of the available information and public comments, DOE will publish either a notice of the determination that standards do not need to be amended, or a notice of proposed rulemaking including new proposed standards. To inform interested parties and to facilitate this process, DOE has prepared a Framework Document that details the analytical approach and scope of coverage for the rulemaking, and identifies several issues on which DOE is particularly interested in receiving comments. DOE will hold a public meeting to discuss and receive comments on its planned analytical approach and issues it will address in this rulemaking proceeding. DOE welcomes written comments and relevant data from the public on any subject within the scope of this rulemaking. A copy of the Framework Document is available at: *http://www1.eere.energy.gov/buildings/appliance_standards/residential/furnaces_boilers.html.*

DATES: *Meeting:* DOE will hold a public meeting on Wednesday, March 13, 2013, from 9:00 a.m. to 2:00 p.m. directly after the Residential Furnace and Boilers Test Procedure NOPR Pubic Meeting in Washington, DC. Additionally, DOE plans to conduct the public meeting via webinar. You may attend the public meeting via webinar, and registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/residential/furnaces_boilers.html.* Participants are responsible for ensuring that their systems are compatible with the webinar software.

DOE must receive requests to speak at the public meeting before 4:00 p.m., Wednesday, February 27, 2013. DOE must receive an electronic copy of the statement with the name and, if appropriate, the organization of the presenter to be given at the public meeting before 4:00 p.m., Wednesday, March 6, 2013.

Comments: DOE will accept written comments, data, and information regarding the Framework Document before and after the public meeting, but no later than March 28, 2013.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 8E–089, 1000 Independence Avenue SW., Washington, DC 20585–0121. Please note that foreign nationals planning to participate in the public meeting are subject to advance security screening procedures. If a foreign national wishes to participate in the public meeting, please inform DOE of this fact as soon as possible by contacting Ms. Brenda Edwards at (202) 586–2945 so that the necessary procedures can be completed. Please note that any person wishing to bring a laptop computer into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptops, or allow an extra 45 minutes. As noted above, persons may also attend the public meeting via webinar.

Interested parties are encouraged to submit comments electronically. However, comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *E-Mail: ResBoilers2012STD0047@ee.doe.gov.* Include docket number EERE–2012–BT–STD–0047 and/or regulatory identification number (RIN) 1904–AC88 in the subject line of the message. All comments should clearly identify the name, address, and, if appropriate, organization of the commenter. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.
- *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building

Technologies Program, Mailstop EE–2J, Framework Document for Residential Boilers, Docket No. EERE–2012–BT–STD–0047 and/or RIN 1904–AC88, 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.

• *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza SW., 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.

Instructions: All submissions received must include the agency name and docket number and/or RIN for this rulemaking. No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov*, including **Federal Register** notices, public meeting attendees lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *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.

A link to the docket Web page can be found at: *www.regulations.gov/#!docketDetail;dct=FR%252BPR%252BN%252BO%252BSR%252BPS;rpp=25;po=0;D=EERE-2012-BT-STD-0047*. This Web page contains a link to the docket for this notice on the *www.regulations.gov* Web site. The *www.regulations.gov* Web page contains simple instructions on how to access all documents, including public comments, in the docket.

For information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 286–1692. Email: *residential_furnaces_and_boilers@ee.doe.gov*.

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9507. E-Mail: *Eric.Stas@hq.doe.gov*.

For information on how to submit or review public comments and on how to participate in the public meeting, contact Ms. Brenda Edwards, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–2945. Email: *Brenda.Edwards@ee.doe.gov*.

SUPPLEMENTARY INFORMATION: Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94–163 (42 U.S.C. 6291–6309, as codified) sets forth a variety of provisions designed to improve energy efficiency and established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances (collectively referred to as ''covered products'').[2] These include the types of residential boilers [3] that are the subject of this rulemaking. (42 U.S.C. 6292(a)(5)) This program authorizes DOE to establish technologically feasible, economically justified energy efficiency regulations for certain products and equipment that would be likely to result in substantial national energy savings. (42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

The National Appliance Energy Conservation Act of 1987 (NAECA), Pub. L. 100–12, amended EPCA and established energy conservation standards for residential boilers, as well as requirements for determining whether these standards should be amended. (42 U.S.C. 6295(f)) Specifically, NAECA set minimum standards for boilers in terms of the annual fuel utilization efficiency (AFUE) and required that DOE publish a final rule to determine whether the standard should be amended no later than January 1, 1994. (42 U.S.C. 6295(f)(1) and (4)(B)) It also required that DOE publish a final rule to determine whether standards in effect for such products should be amended after January 1, 1997 and before January 1, 2007. (42 U.S.C. 6295(f)(4)(C))

On November 19, 2007, DOE published a final rule in the **Federal Register** (hereafter referred to as the ''November 2007 final rule'') revising the energy conservation standards for furnaces and boilers, which addressed the first required review of minimum standards for boilers under 42 U.S.C. 6295(f)(4)(B). 72 FR 65136. Compliance with the standards in the November 2007 final rule would have been required by November 19, 2015. However, on December 19, 2007, the Energy Independence and Security Act of 2007 (EISA 2007), Public Law 110–140, was signed into law, which further revised the energy conservation standards for residential boilers. More specifically, EISA 2007 revised the minimum AFUE requirements for residential boilers and set several design requirements for each product class. (42 U.S.C. 6295(f)(3)) EISA 2007 required compliance with the amended energy conservation standards for residential boilers beginning on September 1, 2012. On July 15, 2008, DOE issued a final rule technical amendment, which was published in the **Federal Register** on July 28, 2008, that codified the EISA 2007 amendments to the energy conservation standards for residential boilers. 73 FR 43611.

DOE is initiating this rulemaking pursuant to 42 U.S.C. 6295(f)(4)(C), which requires DOE to conduct a second round of amended standards rulemaking for residential boilers. EPCA, as amended by EISA 2007, also requires that not later than 6 years after issuance of any final rule establishing or amending a standard, DOE must publish either a notice of the determination that standards for the product do not need to be amended, or a notice of proposed rulemaking including new proposed energy conservation standards. (42 U.S.C. 6295(m)(1)) As noted above, DOE's last final rule for residential boilers was issued on July 15, 2008, so as a result, DOE must act by July 15, 2014. This rulemaking will satisfy both statutory provisions.

Furthermore, EISA 2007 amended EPCA to require that any new or amended energy conservation standard adopted after July 1, 2010 shall address standby mode and off mode energy use, pursuant to 42 U.S.C. 6295(o). (42 U.S.C. 6295(gg)(3)) On October 20, 2010, DOE published a final rule in the **Federal Register** revising the test procedure for residential boilers to include provisions for measuring standby mode and off mode electricity consumption. 75 FR 64621. DOE then updated the provisions for measuring

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[2] All references to EPCA in this document refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

[3] Under 42 U.S.C. 6292(a)(5), the statute establishes ''furnaces'' as covered products. Originally, boilers were considered a class of furnaces. However, amendments to EPCA in EISA 2007 distinguished between furnaces and boilers in 42 U.S.C. 6295(f) by adding the text ''and boilers'' to the title of that section and by prescribing standards for those products. Although EISA 2007 did not similarly update 42 U.S.C. 6292(a)(5), it is implicit that this coverage continues to include boilers.

standby mode and off mode electricity consumption in a subsequent final rule published in the **Federal Register** on December 31, 2012. 77 FR 76831. DOE will consider standby mode and off mode energy use as part of this rulemaking process for residential boilers.

DOE has prepared the Framework Document to explain the relevant issues, analyses, and processes it anticipates using when considering amended energy conservation standards. The focus of the public meeting noted above will be to discuss the information presented and issues identified in the Framework Document. At the public meeting, DOE will make presentations and invite discussion on the rulemaking process as it applies to residential boilers. DOE will also solicit comments, data, and information from participants and other interested parties.

DOE is planning to conduct in-depth technical analyses in the following areas: (1) Engineering; (2) energy-use characterization; (3) product price; (4) life-cycle cost and payback period; (5) national impacts; (6) manufacturer impacts; (7) utility impacts; (8) employment impacts; (9) emission impacts; and (10) regulatory impacts. DOE will also conduct several other analyses that support those previously listed, including the market and technology assessment, the screening analysis (which contributes to the engineering analysis), and the shipments analysis (which contributes to the national impact analysis).

DOE encourages those who wish to participate in the public meeting to obtain the Framework Document and to be prepared to discuss its contents. A copy of the Framework Document is available at: *http://www1.eere.energy.gov/buildings/appliance_standards/residential/furnaces_boilers.html*.

Public meeting participants need not limit their comments to the issues identified in the Framework Document. DOE is also interested in comments on other relevant issues that participants believe would affect energy conservation standards for these products, applicable test procedures, or the preliminary determination on the scope of coverage. DOE invites all interested parties, whether or not they participate in the public meeting, to submit in writing by March 28, 2013, comments and information on matters addressed in the Framework Document and on other matters relevant to DOE's consideration of coverage of and standards for residential boilers.

The public meeting will be conducted in an informal, facilitated, conference style. There shall be no discussion of proprietary information, costs or prices, market shares, or other commercial matters regulated by U.S. antitrust laws. A court reporter will record the proceedings of the public meeting, after which a transcript will be available for purchase from the court reporter and placed on the DOE Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/residential/furnaces_boilers.html*.

After the public meeting and the close of the comment period on the Framework Document, DOE will collect data, conduct the analyses as discussed in the Framework Document and at the public meeting, and review the public comments it receives.

DOE considers public participation to be a very important part of the process for determining whether to amend energy conservation standards and, if so, in setting those amended standards. DOE actively encourages the participation and interaction of the public during the comment period at each stage of the rulemaking process. Beginning with the Framework Document, and during each subsequent public meeting and comment period, interactions with and among members of the public provide a balanced discussion of the issues to assist DOE in the standards rulemaking process. Accordingly, anyone who wishes to participate in the public meeting, receive meeting materials, or be added to the DOE mailing list to receive future notices and information about this rulemaking should contact Ms. Brenda Edwards at (202) 586–2945, or via email at *Brenda.Edwards@ee.doe.gov*.

Issued in Washington, DC, on February 5, 2013.

Kathleen B. Hogan,

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

[FR Doc. 2013–03000 Filed 2–8–13; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 252

[Regulation YY; Docket No. OP–1452]

RIN 7100–AD–86

Policy Statement on the Scenario Design Framework for Stress Testing

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed policy statement with request for public comment, supplementary notice.

SUMMARY: The Board of Governors of the Federal Reserve System published in the **Federal Register** of November 23, 2012, a document requesting public comment on a policy statement on the approach to scenario design for stress testing that would be used in connection with the supervisory and company-run stress tests conducted under the Board's regulations issued pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Board's capital plan rule. That **Federal Register** notice omitted the instructions for submitting comments. This document corrects that omission.

DATES: The comment period closing date for the proposed policy statement published November 23, 2012, at 77 FR 70124 remains February 15, 2013.

FOR FURTHER INFORMATION CONTACT: Tim Clark, Senior Associate Director, (202) 452–5264, Lisa Ryu, Deputy Associate Director, (202) 263–4833, or David Palmer, Senior Supervisory Financial Analyst, (202) 452–2904, Division of Banking Supervision and Regulation; Benjamin W. McDonough, Senior Counsel, (202) 452–2036, or Christine Graham, Senior Attorney, (202) 452–3099, Legal Division; or Andreas Lehnert, Deputy Director, (202) 452–3325, or Rochelle Edge, Adviser, (202) 452–2339, Office of Financial Stability Policy and Research.

ADDRESSES: Interested parties are encouraged to submit written comments identified by Docket No. OP–1452 and RIN 7100–AD–86, by any of the methods provided below. Commenters are also encouraged to identify the number of the specific question for comment to which they are responding.

- *Agency Web Site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-Mail: regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be

edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets, NW.) between 9 a.m. and 5 p.m. on weekdays.

SUPPLEMENTARY INFORMATION: The Board published a document in the **Federal Register** of November 23, 2012, (77 FR 70124) requesting public comment on a policy statement on the approach to scenario design for stress testing that would be used in connection with the supervisory and company-run stress tests conducted under the Board's regulations issued pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Board's capital plan rule. The address to submit public comments was inadvertently omitted from that notice. This document corrects that omission.

By order of the Board of Governors of the Federal Reserve System.

Dated: February 7, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–03162 Filed 2–7–13; 4:15 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0119; Directorate Identifier 2011–SW–034–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France 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 France (Eurocopter) Model AS350 and AS355 helicopters, to require inspecting for a crack in the control lever attachment yokes, and if needed, replacing the tail rotor gearbox (TGB). This proposed AD is prompted by improper casting of TGB casing assemblies, which may lead to cracking. A crack in the control lever attachment yokes could cause a loss of tail rotor pitch control, and consequently, loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by April 12, 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 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: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone 817–222–5328; email *robert.grant@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. 2011–0104, dated May 27, 2011, to correct an unsafe condition for the Eurocopter Model AS 350 and AS 355 helicopters. EASA advises that cracks were found on some TGB casing assemblies when a dye-penetrant inspection was performed after the machining of the control lever attachment yokes. The inspection followed the repair of the manufacturing mold. EASA reports that cracks in the TGB casing assemblies, if not detected and corrected, could lead to a crack on the control lever attachment yokes, which could cause the loss of tail rotor pitch control and subsequent loss of control of the helicopter.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to the applicable bilateral agreement with France, 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 these same type designs.

Related Service Information

Eurocopter issued Alert Service Bulletin (ASB) No. AS350–65.00.46 for Model AS350 helicopters and ASB AS355–65.00.22 for AS355 helicopters. Both ASBs are Revision 0 and dated May 18, 2011. The ASBs call for non-destructive inspections, such as a dye-penetrant inspection, to check for cracks in the attachment yokes of the TGB casing assemblies. If there is a crack, the ASBs call for replacing the TGB with an airworthy TGB and returning the replaced TGB to Eurocopter.

Proposed AD Requirements

This proposed AD would require, within 100 hours time in service (TIS), dye-penetrant inspecting for a crack in the control lever attachment yokes of the TGB casing assembly. If a crack exists, before further flight, this proposed AD would require replacing the TGB with an airworthy TGB.

Differences Between This Proposed AD and the EASA AD

We propose that the inspection for a crack in the attachment yokes of the TGB casing assemblies be performed within 100 hours TIS. EASA requires that the inspection be conducted within 26 months or 660 flight hours if the TGB casing assemblies have less than 550 flight hours and within 110 flight hours or 13 months if the TGB casing assemblies have 550 or more flight hours. We do not include the Model AS350BB helicopter because it is not type certificated in the United States, but we do include models AS350C and AS350D1.

Costs of Compliance

We estimate that this proposed AD would affect 693 helicopters of U.S. Registry and that labor costs would average $85 per work-hour. We estimate that it would take two hours to inspect TGB casing assemblies for a cost of $170 per helicopter, and $117,810 for the U.S. fleet. No parts would be needed. Replacing the TGB would require five work hours for a labor cost of $425. Parts would cost $37,825 for a total cost of $38,250 per helicopter.

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 France Helicopters (Eurocopter): Docket No. FAA–2013–0119; Directorate Identifier 2011–SW–034–AD.

(a) Applicability

This AD applies to Eurocopter AS350C, D, D1, B, BA, B1, B2, and B3; and AS355E, F, F1, F2, N, and NP helicopters, with a tailrotor gearbox (TGB) casing assembly, part number (P/N) 350A33–1090–02 and serial number (S/N) MA47577, MA47585, MA47587 through MA47593, MA47597 through MA47600, MA47602, MA47604, MA47606, MA47610, MA47613, MA47615, MA47617, MA47619 through MA47624, MA47626, MA47628, or MA47631 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in the control lever attachment yoke of the TGB casing assembly, which could result in loss of tail rotor pitch control and loss of helicopter control.

(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 100 hours time in service:

(1) Remove the control lever, as depicted in Figure 1, item (b), of Eurocopter Alert Service Bulletin No. AS350–65.00.46 or No. AS355–65.00.22, both Revision 0 and both dated May 18, 2011, as applicable for your model helicopter (ASBs).

(2) Strip the paint from the TGB control lever attachment yokes, as depicted in Figure 2, item (z), of the ASBs.

(3) Perform a Fluorescent Penetrant Inspection (Aerospace Material Specification 2647 or equivalent) on the TGB control lever attachment yokes for a crack.

(4) If a crack exists, before further flight, replace the TGB with an airworthy TGB.

(5) If there is no crack, clean the inspected area and apply chemical conversion coating (Alodine 1200 or equivalent), Epoxy primer, and top coat paint.

(e) Alternative Methods of Compliance (AMOC)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone 817–222–5328; email *robert.grant@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

(1) For service information identified in this 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 a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency AD No. 2011–0104, dated May 27, 2011.

(g) Subject

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

Issued in Fort Worth, Texas, on February 1, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–02989 Filed 2–8–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1001; Directorate Identifier 2012–NM–020–AD]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) for certain Cessna Aircraft Company Model 500, 501, 550, 551, S550, 560, 560XL, and 650 airplanes. That NPRM proposed to require an inspection to determine if certain air conditioning (A/C) compressor motors are installed and to determine the accumulated hours on certain A/C drive motor assemblies; repetitive replacement of the brushes in the drive motor assembly, or as an option to the brush replacement, deactivation of the A/C system and placard installation; and return of replaced brushes to Cessna. That NPRM was prompted by multiple reports of smoke and/or fire in the tailcone caused by sparking due to excessive wear of the brushes in the A/C motor. This action revises that NPRM by revising the optional A/C system deactivation procedure. We are proposing this supplemental NPRM to prevent the brushes in the A/C motor from wearing down beyond their limits, which could result in the rivet in the brush contacting the commutator causing sparks and consequent fire and/or smoke in the tailcone with no means to detect or extinguish the fire and/or smoke. Since these actions impose an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: We must receive comments on this supplemental NPRM by March 28, 2013.

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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Cessna Aircraft Co., P.O. Box 7706, Wichita, KS 67277; telephone 316–517–6215; fax 316–517–5802; email *citationpubs@cessna.textron.com;* Internet *https://www.cessnasupport.com/newlogin.html.* 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 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: Christine Abraham, Aerospace Engineer, Electrical Systems and Avionics Branch, ACE–119W, FAA, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; phone: 316–946–4165; fax: 316–946–4107; email: *wichita-cos@faa.gov.*

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–2012–1001; Directorate Identifier 2012–NM–020–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

We issued an NPRM to amend 14 CFR part 39 to include an AD that would apply to the products listed above. That NPRM published in the **Federal Register** on September 26, 2012 (77 FR 59146). That NPRM proposed to require an inspection to determine the accumulated hours on certain A/C drive motor assemblies; repetitive replacement of the brushes in the drive motor assembly, or as an option to the brush replacement, deactivation of the air conditioner; and return of replaced brushes to Cessna.

Actions Since Previous NPRM (77 FR 59146, September 26, 2012) Was Issued

Since we issued the previous NPRM (77 FR 59146, September 26, 2012), Cessna has revised the A/C system deactivation procedure.

Comments

We gave the public the opportunity to comment on the previous NPRM (77 FR 59146, September 26, 2012). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Change A/C System Deactivation Procedure

Cessna requested that we change the A/C system deactivation procedure specified in paragraph (j)(1) of the previous NPRM (77 FR 59146, September 26, 2012), because simply pulling the circuit breaker does not disable the A/C compressor motor for Model 560XL airplanes, and the circuit breaker labeling differs depending on the airplane model. Cessna stated that the vapor cycle A/C circuit breaker labeled ''AIR COND'' for Model 500, 501, 550, 551, S550, and 560 airplanes should be pulled, and the vapor cycle A/C circuit breaker labeled ''FWD EVAP FAN'' for Model 650 airplanes should be pulled. Cessna also stated that, for Model 560XL airplanes, deactivation of the A/C system requires removing a

certain fuse limiter. Cessna suggested a procedure to remove that fuse limiter.

We agree with the commenter's request because the new procedure is more appropriate to address the identified unsafe condition. We have changed paragraph (k) of the supplemental NPRM (i.e., paragraph (j) of the previous NPRM) to specify the correct A/C system deactivation procedure. We have also added new paragraph (l) to this supplemental NPRM, which specifies the optional reactivation procedure for the A/C system, and re-identified subsequent paragraphs accordingly.

Request To Extend Compliance Time

Netjets Aviation Inc. (Netjets) requested that we extend the inspection compliance time in paragraph (h) of the NPRM (77 FR 59146, September 26, 2012) from within 30 days or 10 flight hours, whichever occurs first, to within 90 days or 60 flight hours, whichever occurs first. Netjets stated that it operates 29 airplanes affected by the NPRM, which average 62 flight hours per month per airplane, and the compliance time in the NPRM poses an undue burden. Netjets also stated that extending the proposed compliance time would allow time to schedule maintenance personnel and material to support each airplane without compromising safety.

We do not agree with the commenter's request to extend the compliance time. In developing an appropriate compliance time for this action, we considered the urgency and severity associated with the identified unsafe condition. In light of these considerations, we find the proposed compliance time to be appropriate to address the identified unsafe condition and provide an adequate level of safety. However, under the provisions of paragraph (q) of this supplemental NPRM, we might consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the new compliance time would provide an acceptable level of safety. We have not changed this supplemental NPRM in this regard.

Request To Change A/C Compressor Motor Brush Replacement Time

Netjets requested we specify that the repetitive 500 hours time-in-service A/C compressor motor brush replacement may be done ''in a scheduled inspection based on the Cessna 560 chapter 5 inspection programs.'' Netjets stated that this change would allow a more robust and systematic approach to scheduling brush replacement.

We disagree with the commenter's request to change the repetitive 500 hours time-in-service A/C compressor motor brush replacement time. The 500 hours time-in-service replacement period is based on data collected from the field. This supplemental NPRM would require reporting for the first two replacement cycles. The intent of this proposed requirement is to obtain further field data to determine if the replacement period might be extended through future rulemaking. However, under the provisions of paragraph (q) of the supplemental NPRM, we might consider requests for changing the repetitive 500 hours time-in-service A/C compressor motor brush replacement period if sufficient data are submitted to substantiate that the change would provide an acceptable level of safety. We have not changed the supplemental NPRM in this regard.

Request To Use Later Revisions of Service Documents

Cessna requested that we change the document revision references in paragraph (i)(3) of the previous NPRM (77 FR 59146, September 26, 2012) to refer to the specified revision level ''or later revisions.'' Cessna stated that referencing only a specific revision level will cause confusion for maintenance personnel when the manuals are updated with a newer revision and date. Cessna also stated that its customer support receives calls from maintenance personnel requesting old revisions of a manual due to ADs requiring an exact revision and that old revisions are not available.

We acknowledge this concern, but cannot agree with the commenter's request to include unspecified later document revisions. When referring to a specific document in an AD, using the phrase, ''or later FAA-approved revisions,'' violates Office of the Federal Register regulations for approving materials that are incorporated by reference. However, affected operators may request approval to use a later revision of the referenced service document as an alternative method of compliance under the provisions of paragraph (q) of the supplemental NPRM. We have not changed the supplemental NPRM in this regard.

Request To Investigate Other A/C Motor Assemblies

An anonymous commenter requested that we investigate other A/C drive motor assemblies, because these motors are quite difficult to get to and are often overlooked. The commenter also stated that there are other supplemental type certificates (STCs) for the Cessna Citation that use a similar motor to the motor identified in the previous NPRM (77 FR 59146, September 26, 2012).

We infer that the commenter wants us to investigate if there are other unsafe conditions occurring in other A/C motor assemblies used in the airplanes identified in this supplemental NPRM. We acknowledge the commenter's concern. We only have event reports pertaining to the A/C motors addressed by this supplemental NPRM. If an additional unsafe condition is determined to exist on other A/C motors, we might consider future rulemaking. We have not changed this supplemental NPRM in this regard.

Request To Clarify ''Proposed AD Requirements''

Cessna requested that we clarify the statement in the ''Proposed AD Requirements'' paragraph of the previous NPRM (77 FR 59146, September 26, 2012) regarding motor brush replacement. Cessna suggested that the wording be changed from ''prohibiting use of the A/C system until replacement of the brushes as an option to the brush replacement'' to ''prohibiting use of the A/C system until replacement of the brushes is accomplished.''

We agree with the commenter's request because the suggested wording improves the clarity of the proposed actions. We have changed the ''Proposed Requirements of the Supplemental NPRM'' paragraph of this supplemental NPRM accordingly.

FAA's Determination

We are proposing this supplemental NPRM 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. Certain changes described above expand the scope of the original NPRM (77 FR 59146, September 26, 2012). As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this supplemental NPRM.

Proposed Requirements of the Supplemental NPRM

This supplemental NPRM would require an inspection to determine if certain A/C compressor motors are installed; an inspection of the A/C compressor hour meter that has part number (P/N) 1134104–1 or P/N 1134104–5 A/C compressor motors installed; repetitive replacement of the brushes, or as an option to the brush replacement, deactivation of the A/C

system with installation of a placard prohibiting use of the A/C system until replacement of the brushes is accomplished. This supplemental AD would also require, when the brushes are replaced, reporting of airplane information related to the replacement of the brushes, and sending the replaced motor brushes to the Cessna Aircraft Company for two replacement cycles.

Interim Action

We consider this supplemental NPRM interim action. The reporting data required by this supplemental NPRM will enable us to obtain better insight into brush wear. The reporting data will also indicate if the replacement intervals we established are adequate. After we analyze the reporting data received, we might consider further rulemaking.

Model 525 airplanes are not subject to this supplemental NPRM. We are currently considering requiring similar actions for these airplanes.

Costs of Compliance

We estimate that this proposed AD will affect 1,987 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection, drive motor assembly brush replacement, parts return, and reporting.	11 work-hours × $85 per hour = $935 per replacement cycle.	$252 per replacement cycle ..	$1,187 per replacement cycle	$2,358,569 per replacement cycle
Optional fabrication of placard for deactivation.	1 work-hour × $85 per hour = $85.	$0	$85	$168,895
Optional deactivation or reactivation for Model 560XL airplanes (370 airplanes).	1 work-hour × $85 per hour = $85.	$0	$85	$31,450

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):

Cessna Aircraft Company: Docket No. FAA–2012–1001; Directorate Identifier 2012–NM–020–AD.

(a) Comments Due Date

We must receive comments by March 28, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following Cessna Aircraft Company airplanes, certificated in any category.

(1) Model 500 and 501 airplanes, serial numbers (S/N) 0001 through 0689 inclusive.

(2) Model 550 and 551 airplanes, S/Ns 0002 through 0733 inclusive, and 0801 through 1136 inclusive.

(3) Model S550 airplanes, S/Ns 0001 through 0160 inclusive.

(4) Model 560 airplanes, S/Ns 0001 through 0707 inclusive, and 0751 through 0815 inclusive.

(5) Model 560XL airplanes, S/Ns 5001 through 5300 inclusive.

(6) Model 650 airplanes, S/Ns 0200 through 0241 inclusive, and 7001 through 7119 inclusive.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 21, Air Conditioning.

(e) Unsafe Condition

This AD was prompted by multiple reports of smoke and/or fire in the tailcone caused by sparking due to excessive wear of the brushes in the air conditioning (A/C) motor. We are issuing this AD to prevent the brushes in the A/C motor from wearing down, which could result in the rivet in the brush contacting the commutator causing sparks and consequent fire and/or smoke in the tailcone with no means to detect or extinguish the fire and/or smoke.

(f) Compliance

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

(g) Inspection for Part Number (P/N)

Within 30 days or 10 flight hours after the effective date of this AD, whichever occurs first: Inspect the A/C compressor motor to

determine whether P/N 1134104–1 or P/N 1134104–5 is installed. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the A/C compressor motor can be conclusively determined from that review.

(h) Inspection of Compressor Hour Meter and Maintenance Records

If, during the inspection required by paragraph (g) of this AD, any A/C compressor motor is found having P/N 1134104–1 or P/N 1134104–5: Within 30 days or 10 flight hours after the effective date of this AD, whichever occurs first, determine the hour reading on the A/C compressor hour meter as specified in paragraphs (h)(1) and (h)(2) of this AD.

(1) Inspect the number of hours on the A/C compressor hour meter; and

(2) Check the airplane logbook for any entry for replacing the A/C compressor motor brushes with new brushes, or for replacing the compressor motor or compressor condenser module assembly (pallet) with a motor or assembly that has new brushes.

(i) If the logbook contains an entry for replacement of parts, as specified in paragraph (h)(2) of this AD, determine the number of hours on the A/C compressor motor brushes by comparing the number of hours on the compressor motor since replacement and use this number in lieu of the number determined in paragraph (h)(1) of this AD. Or

(ii) If, through the logbook check you cannot positively determine the number of hours on the A/C compressor motor brushes, as specified in paragraph (h)(2) of this AD, use the number of hours on the A/C compressor hour meter determined in paragraph (h)(1) of this AD or presume the brushes have over 500 hours time-in-service.

(i) Replacement

Using the hour reading on the A/C compressor hour meter determined in paragraph (h) of this AD, replace the A/C compressor motor brushes with new brushes at the later of the times specified in paragraphs (i)(1) and (i)(2) of this AD. Thereafter, repeat the replacement of the A/C compressor motor brushes at intervals not to exceed 500 hours time-in-service on the A/C compressor motor. Do the replacement in accordance with the applicable Cessna maintenance manual subject specified in paragraphs (j)(1) through (j)(7) of this AD.

(1) Before the accumulation of 500 total hours time-in-service on the A/C compressor motor.

(2) Before further flight after doing the inspection required in paragraph (h) of this AD.

(j) Replacement Maintenance Manual Information

Use the instructions in the applicable Cessna maintenance manual subject specified in paragraphs (j)(1) through (j)(7) of this AD to do the replacement required by paragraph (i) of this AD.

(1) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 10, dated April 23, 2012, of the Cessna Model 550, –0801 and On Maintenance Manual.

(2) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 8, dated April 23, 2012, of the Cessna Model 550/551 Maintenance Manual.

(3) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 20, dated April 23, 2012, of the Cessna Model 560, –0001 and On Maintenance Manual.

(4) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 13, dated April 23, 2012, of the Cessna Model 560XL, (560XL –5001 thru –5500), (560XL –5501 thru –6000), (560XL –6001 and On) Maintenance Manual.

(5) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 30, dated April 23, 2012, of the Cessna Model 650 Maintenance Manual.

(6) Subject 4–11–00, Replacement Time Limits General, of Chapter 4, Airworthiness Limitations, Revision 4, dated April 23, 2012, of the Cessna Model 500/501, (–0001 thru –0349), (–0350 thru –0689) Maintenance Manual.

(7) Subject 4–11–00, Replacement Time Limits, of Chapter 4, Airworthiness Limitations, Revision 7, dated April 23, 2012, of the Cessna Model S550 Maintenance Manual.

(k) Deactivation of A/C System

In lieu of replacing the A/C compressor motor brushes as required by this AD, deactivate the A/C system as specified in paragraph (k)(1), (k)(2), or (k)(3) of this AD, as applicable.

(1) For all airplanes except Model 560XL and 650 airplanes: Pull the vapor cycle A/C circuit breaker labeled ''AIR COND,'' do the actions specified in paragraphs (k)(1)(i) and (k)(1)(ii) of this AD, and document deactivation of the system in the airplane logbook, referring to this AD as the reason for deactivation. While the system is deactivated, airplane operators must remain aware of operating temperature limitations specified in the applicable airplane flight manual.

(i) Fabricate a placard that states: ''A/C DISABLED'' with 1/8-inch black lettering on a white background.

(ii) Install the placard on the airplane instrument panel within 6 inches of the A/C selection switch.

(2) For Model 650 airplanes: Pull the vapor cycle A/C circuit breaker labeled ''FWD EVAP FAN,'' do the actions specified in paragraphs (k)(1)(i) and (k)(1)(ii) of this AD, and document deactivation of the system in the airplane logbook, referring to this AD as the reason for deactivation. While the system is deactivated, airplane operators must remain aware of operating temperature limitations specified in the applicable airplane flight manual.

(3) For Model 560XL airplanes: Do the actions specified in paragraphs (k)(1)(i) and (k)(1)(ii) of this AD, and document deactivation of the system in the airplane logbook, referring to this AD as the reason for deactivation. While the system is deactivated, airplane operators must remain aware of operating temperature limitations specified in the applicable airplane flight manual. Remove the fuse limiter that supplies power to the A/C compressor motor by doing the actions specified in paragraphs (k)(3)(i) through (k)(3)(viii) of this AD, and return to the airplane to service by doing the actions specified in paragraphs (k)(3)(ix) through (k)(3)(xiii) of this AD.

(i) Open the battery door.

(ii) Disconnect the main battery connector and remove external electrical power.

(iii) Tag the battery and external power receptacle with a warning tag that reads:

''WARNING: Do not connect the battery connector during the maintenance in progress.''

(iv) Gain access to the J-Box through the tailcone access door.

(v) Remove the wing nuts that attach the cover to the J-Box.

(vi) Remove the J-Box cover.

(vii) Remove nuts securing compressor fuse limiter (reference designator HZ116, P/N ANL130) to the bus bar.

(viii) Remove the compressor motor fuse limiter from the terminals and retain for future reinstallation once the compressor motor brushes have been replaced.

(ix) Install fuse limiter nuts on the terminals and torque to 100 inch-pounds +/− 5 inch-pounds.

(x) Install the J-Box cover with wing nuts.

(xi) Remove the warning tag on the battery and external power receptacle.

(xii) Connect the battery and restore electrical power to the airplane.

(xiii) Close the tailcone access door.

(l) Reactivation of A/C System

If an operator chooses to deactivate the A/C system, as specified in paragraph (k) of this AD, and then later chooses to return the A/C system to service: Before returning the A/C system to service and removing the placard, perform the inspection specified in paragraph (h) of this AD, and do the replacements specified in paragraph (i) of this AD, at the times specified in paragraph (i) of this AD. Return the A/C system to service by doing the actions specified in paragraph (l)(1), (l)(2), or (l)(3) of this AD, as applicable.

(1) For all airplanes except Model 560XL and 650 airplanes: Push in the vapor cycle A/C circuit breaker labeled ''AIR COND,'' remove the placard by the A/C selection switch that states ''A/C DISABLED,'' and document reactivation of the system in the airplane logbook.

(2) For Model 650 airplanes: Push in the vapor cycle A/C circuit breaker labeled ''FWD EVAP FAN,'' remove the placard by the A/C selection switch that states ''A/C DISABLED'', and document reactivation of the system in the airplane logbook.

(3) For Model 560XL airplanes: Remove the placard by the A/C selection switch that states ''A/C DISABLED,'' and document reactivation of the system in the airplane logbook. Re-install the fuse limiter by doing the actions specified in paragraphs (l)(3)(i) through (l)(3)(viii) of this AD, and return to the airplane to service by doing the actions specified in paragraphs (l)(3)(ix) through (l)(3)(xiii) of this AD.

(i) Open the battery door.

(ii) Disconnect the main battery connector and remove external electrical power.

(iii) Tag the battery and external power receptacle with a warning tag that reads:

''WARNING: Do not connect the battery connector during the maintenance in progress.''

(iv) Gain access to the J-Box through the tailcone access door.

(v) Remove the wing nuts that attach the cover to the J-Box.

(vi) Remove the J-Box cover.

(vii) Remove the fuse limiter nuts on the bus bar terminals for the fuse limiter.

(viii) Install the compressor motor fuse limiter (reference designator HZ116, P/N ANL130).

(ix) Install fuse limiter nuts on the terminals and torque to 100 inch-pounds +/− 5 inch-pounds.

(x) Install the J-Box cover with wing nuts.

(xi) Remove the warning tag on the battery and external power receptacle.

(xii) Connect the battery and restore electrical power to the airplane.

(xiii) Close the tailcone access door.

(m) Parts Return and Reporting Requirements

For the first two A/C compressor motor brush replacement cycles on each airplane, send the brushes that were removed to Cessna Aircraft Company, Cessna Service Parts and Programs, 7121 Southwest Boulevard, Wichita, KS 67215. Provide the brushes and the information specified in paragraphs (m)(1) through (m)(6) of this AD within 30 days after the replacement, if the replacement was done on or after the effective date of this AD, or within 30 days after the effective date of this AD, if the replacement was done before the effective date of this AD.

(1) The model and serial number of the airplane.

(2) The part number of the motor.

(3) The part number of the brushes, if known.

(4) The elapsed amount of motor hours since the last brush/motor replacement, if known.

(5) If motor hours are unknown, report the elapsed airplane flight hours since the last brush/motor replacement and indicate that motor hours are unknown.

(6) The number of motor hours currently displayed on the pallet hour meter.

(n) Parts Installation Limitation

As of the effective date of this AD, no person may install an A/C compressor motor having P/N 1134104–1 or P/N 1134104–5, unless the inspection specified in paragraph (h) of this AD is done before further flight, and the replacements specified in paragraph (i) of this AD are done at the times specified in paragraph (i) of this AD.

(o) Special Flight Permit Prohibition

Operation of the A/C system is prohibited while flying with a special flight permit issued for this AD.

(p) Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(q) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD.

(2) 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.

(r) Related Information

(1) For more information about this AD, contact Christine Abraham, Aerospace Engineer, Electrical Systems and Avionics Branch, ACE–119W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; phone: 316–946–4165; fax: 316–946–4107; email: *wichita-cos@faa.gov.*

(2) For service information identified in this AD, contact Cessna Aircraft Co., P.O. Box 7706, Wichita, KS 67277; telephone 316–517–6215; fax 316–517–5802; email *citationpubs@cessna.textron.com;* Internet *https://www.cessnasupport.com/newlogin.html.* You may review copies of the 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 February 1, 2013.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–02992 Filed 2–8–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0020]

RIN 1625–AA00

Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulation requirements for Safety Zones; Annual Events requiring safety zones in the Captain of the Port Lake Michigan zone. This proposed rule is intended to update the list of permanent safety zones regulations. Specifically, this rule proposes to remove one safety zone, amend the locations and/or enforcement times for eight zones, and add three new zones. The safety zones established by this proposed rule are necessary to protect spectators, participants, and vessels from the hazards associated with fireworks displays, boat races, air shows, and other events.

DATES: Comments and related materials must be received by the Coast Guard on or before March 13, 2013.

ADDRESSES: You may submit comments identified by docket number USCG–2013–0020 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email MST1 Joseph McCollum, Prevention Department, Coast Guard, Sector Lake Michigan, Milwaukee, WI, telephone (414) 747–

7148, email *Joseph.P.McCollum@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR **Federal Register**
NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2013–0020), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the ''submit a comment'' box, which will then become highlighted in blue. In the ''Document Type'' drop down menu select ''Proposed Rule'' and insert ''USCG–2013–0020'' in the ''Keyword'' box. Click ''Search'' then click on the balloon shape in the ''Actions'' column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2013–0020'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Background and Purpose

This proposed rule will amend 33 CFR 165.929, Annual Events requiring safety zones in the Captain of the Port Lake Michigan zone. Specifically, this proposed rule will remove one permanent safety zone, revise the location and/or enforcement period of eight others, and add three permanent safety zones for annually recurring events.

Every year the Coast Guard receives feedback from the organizers of events for which the safety zones within 33 CFR 165.929 have been written. The Coast Guard uses this feedback to make adjustments to the position and/or enforcement period of the established safety zones. This is done in order to ensure that vessels and persons are protected from the specific hazards of the differing events—firework displays, boat races, air shows, and other marine events. Such hazards include obstructions to the waterway that may cause marine casualties and the explosive danger of fireworks and debris falling into the water that may cause death or serious bodily harm. The majority of the feedback received this year has concerned the change in position of fireworks displays. Additionally, the Coast Guard was informed by one of the event organizers that a fireworks display which had been listed in 33 CFR 165.929 would no longer take place. For this reason, the removal of its accompanying safety zone was necessary.

Because the safety zones proposed in 33 CFR 165.929 are permanent—in that they are expected to occur each year in the future—the Coast Guard added three new safety zones for events that have been reoccurring in the Lake Michigan Zone. To this end, the last three entries within 33 CFR 165.929 have been added for races in the Chicago IL area and on Spring Lake, MI. For the reader's convenience, we have republished the revised 33 CFR 165.929 in its entirety.

C. Discussion of Proposed Rule

The proposed safety zones are necessary to ensure the safety of vessels and people during annual marine events in the Captain of the Port Lake Michigan area of responsibility. Although this proposed rule will remain in effect year round, the safety zones within it will be enforced only immediately before, during, and after events that pose a hazard to the public, and only upon notice by the Captain of the Port.

The Captain of the Port Lake Michigan will notify the public that the zones in this proposal are or will be enforced by all appropriate means to the affected segments of the public including publication in the **Federal Register** as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is cancelled.

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan, or

his designated representative. The Captain of the Port or his designated representative may be contacted via VHF Channel 16.

D. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes or executive orders.

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. The Coast Guard's use of these safety zones will be periodic, of short duration, and designed to minimize the impact on navigable waters. These safety zones will only be enforced immediately before, during, and after the time the events occur. Furthermore, these safety zones have been designed to allow vessels to transit unrestricted to portions of the waterways not affected by the safety zones. The Coast Guard expects insignificant adverse impact to mariners from the activation of these safety zones.

2. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners and operators of vessels intending to transit or anchor in the areas designated as safety zones during the dates and times the safety zones are being enforced. These safety zones would not have a significant economic impact on a substantial number of small entities for the following reasons. Each safety zone in this proposed rule will be in effect for a relatively short period of time and only once per year. These safety zones have been designed to allow traffic to pass safely around the zone whenever possible and vessels will be allowed to pass through the zones with the permission of the Captain of the Port.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact MST1 Joseph McCollum, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7148. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

6. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

7. Taking of Private Property

This proposed rule will not affect the taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

8. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

9. Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

10. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

11. Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

12. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their

regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

13. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this preliminary determination is available in the docket where indicated under ADDRESSES. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend part 165 by revising § 165.929 to read as follows:

§ 165.929 Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone.

(a) Safety zones. The following are designated as safety zones:

(1) *St. Patrick's Day Fireworks; Manitowoc, WI.*

(i) *Location.* All waters of the Manitowoc River and Manitowoc Harbor, near the mouth of the Manitowoc River on the south shore, within the arc of a circle with a 100-foot radius from the fireworks launch site located in position 44°05′30″ N, 087°39′12″ W (NAD 83).

(ii) *Enforcement date and time.* The third Saturday of March; 5:30 p.m. to 7 p.m.

(2) *Michigan Aerospace Challenge Sport Rocket Launch; Muskegon, MI.*

(i) *Location.* All waters of Muskegon Lake, near the West Michigan Dock and Market Corp facility, within the arc of a circle with a 1500-yard radius from the rocket launch site located in position 43°14′21″ N, 086°15′35″ W (NAD 83).

(ii) *Enforcement date and time.* The last Saturday of April; 8 a.m. to 4 p.m.

(3) *Tulip Time Festival Fireworks; Holland, MI.*

(i) *Location.* All waters of Lake Macatawa, near Kollen Park, within the arc of a circle with a 1000-foot radius from the fireworks launch site in position 42°47′23″ N, 086°07′22″ W (NAD 83).

(ii) *Enforcement date and time.* The first Saturday of May; 9:30 p.m. to 11:30 p.m. If the Saturday fireworks are cancelled due to inclement weather, then this safety zone will be enforced on the first Friday of May; 9:30 p.m. to 11:30 p.m.

(4) *Rockets for Schools Rocket Launch; Sheboygan, WI.*

(i) *Location.* All waters of Lake Michigan and Sheboygan Harbor, near the Sheboygan South Pier, within the arc of a circle with a 1500-yard radius from the rocket launch site located with its center in position 43°44′55″ N, 087°41′52″ W (NAD 83).

(ii) *Enforcement date and time.* The first Saturday of May; 8 a.m. to 5 p.m.

(5) *Celebrate De Pere; De Pere, WI.*

(i) *Location.* All waters of the Fox River, near Voyageur Park, within the arc of a circle with a 500 foot radius from the fireworks launch site located in position 44°27′10″ N, 088°03′50″ W (NAD 83).

(ii) *Enforcement date and time.* The Sunday before Memorial Day; 8:30 p.m. to 10 p.m.

(6) *Michigan Super Boat Grand Prix; Michigan City, IN.*

(i) *Location.* All waters of Lake Michigan in the vicinity of Michigan City, IN bound by a line drawn from 41°43′42″ N, 086°54′18″ W; then north to 41°43′49″ N, 086°54′31″ W; then east to 41°44′48″ N, 086°51′45″ W; then south to 41°44′42″ N, 086°51′31″ W; then west returning to the point of origin. (NAD 83).

(ii) *Enforcement date and time.* The first Sunday of August; 9 a.m. to 4 p.m.

(7) *International Bayfest; Green Bay, WI.*

(i) *Location.* All waters of the Fox River, near the Western Lime Company 1.13 miles above the head of the Fox River, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 44°31′24″ N, 088°00′42″ W (NAD 83).

(ii) *Enforcement date and time.* The second Friday of June; 9 p.m. to 11 p.m.

(8) *Harborfest Music and Family Festival; Racine, WI.*

(i) *Location.* All waters of Lake Michigan and Racine Harbor, near the Racine Launch Basin Entrance Light, within the arc of a circle with a 200-foot radius from the fireworks launch site located in position 42°43′43″ N, 087°46′40″ W (NAD 83).

(ii) *Enforcement date and time.* Friday and Saturday of the third complete weekend of June; 9 p.m. to 11 p.m. each day.

(9) *Spring Lake Heritage Festival Fireworks; Spring Lake, MI.*

(i) *Location.* All waters of the Grand River, near buoy 14A, within the arc of a circle with a 500-foot radius from the fireworks launch site located on a barge in position 43°04′24″ N, 086°12′42″ W (NAD 83).

(ii) *Enforcement date and time.* The third Saturday of June; 9 p.m. to 11 p.m.

(10) *Elberta Solstice Festival Fireworks; Elberta, MI.*

(i) *Location.* All waters of Betsie Bay, near Waterfront Park, within the arc of a circle with a 500-foot radius from the fireworks launch site located in position 44°37′43″ N, 086°14′27″ W (NAD 83).

(ii) *Enforcement date and time.* The last Saturday of June; 9 p.m. to 11 p.m.

(11) *Pentwater July Third Fireworks; Pentwater, MI.*

(i) *Location.* All waters of Lake Michigan and the Pentwater Channel within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 43°46′57″ N, 086°26′38″ W (NAD 83).

(ii) *Enforcement date and time.* July 3; 9 p.m. to 11 p.m. If the July 3 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 4; 9 p.m. to 11 p.m.

(12) *Taste of Chicago Fireworks; Chicago, IL.*

(i) *Location.* All waters of Monroe Harbor and all waters of Lake Michigan bounded by a line drawn from 41°53′24″ N, 087°35′59″ W; then east to 41°53′15″ N, 087°35′26″ W; then south to 41°52′49″ N, 087°35′26″ W; then southwest to 41°52′27″ N, 087°36′37″ W;

then north to 41°53′15″ N, 087°36′33″ W; then east returning to the point of origin (NAD 83).

(ii) *Enforcement date and time.* July 3; 9 p.m. to 11 p.m. If the July 3 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 4; 9 p.m. to 11 p.m.

(13) *U.S. Bank Fireworks; Milwaukee, WI.*

(i) *Location.* All waters and adjacent shoreline of Milwaukee Harbor, in the vicinity of Veteran's park, within the arc of a circle with a 1,200-foot radius from the center of the fireworks launch site which is located on a barge with its approximate position located at 43°02′22″ N, 087°53′29″ W (NAD 83).

(ii) *Enforcement date and time.* July 3; 9 p.m. to 11 p.m. If the July 3 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 4; 9 p.m. to 11 p.m.

(14) *Independence Day Fireworks; Manistee, MI.*

(i) *Location.* All waters of Lake Michigan, in the vicinity of the First Street Beach, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 44°14′51″ N, 086°20′46″ W (NAD 83).

(ii) *Enforcement date and time.* July 3; 9 p.m. to 11 p.m. If the July 3 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 4; 9 p.m. to 11 p.m.

(15) *Frankfort Independence Day Fireworks; Frankfort, MI.*

(i) *Location.* All waters of Lake Michigan and Frankfort Harbor, bounded by a line drawn from 44°38′05″ N, 086°14′50″ W; then south to 44°37′39″ N, 086°14′50″ W; then west to 44°37′39″ N, 086°15′20″ W; then north to 44°38′05″ N, 086°15′20″ W; then east returning to the point of origin (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(16) *Freedom Festival Fireworks; Ludington, MI.*

(i) *Location.* All waters of Lake Michigan and Ludington Harbor, in the vicinity of the Loomis Street Boat Ramp, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 43°57′16″ N, 086°27′42″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(17) *White Lake Independence Day Fireworks; Montague, MI.*

(i) *Location.* All waters of White Lake, in the vicinity of the Montague boat launch, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 43°24′33″ N, 086°21′28″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(18) *Muskegon Summer Celebration July Fourth Fireworks; Muskegon, MI.*

(i) *Location.* All waters of Muskegon Lake, in the vicinity of Heritage Landing, within the arc of a circle with a 1000-foot radius from a fireworks launch site located on a barge in position 43°14′00″ N, 086°15′50″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(iii) Impact on Special Anchorage Area regulations: Regulations for that portion of the Muskegon Lake East Special Anchorage Area, as described in 33 CFR 110.81(b), which are overlapped by this regulation, are suspended during this event. The remaining area of the Muskegon Lake East Special Anchorage Area not impacted by this regulation remains available for anchoring during this event.

(19) *Grand Haven Jaycees Annual Fourth of July Fireworks; Grand Haven, MI.*

(i) *Location.* All waters of The Grand River between longitude 087°14′00″ W, near The Sag, then west to longitude 087°15′00″ W, near the west end of the south pier (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(20) *Celebration Freedom Fireworks; Holland, MI.*

(i) *Location.* All waters of Lake Macatawa, in the vicinity of Kollen Park, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°47′23″ N, 086°07′22″ W (NAD 83).

(ii) *Enforcement date and time.* The Saturday prior to July 4; 9 p.m. to 11 p.m. If the fireworks are cancelled due to inclement weather, then this safety zone will be enforced the Sunday prior to July 4; 9 p.m. to 11 p.m.

(21) *Van Andel Fireworks Show; Holland, MI.*

(i) *Location.* All waters of Lake Michigan and the Holland Channel within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°46′21″ N, 086°12′48″ W (NAD 83).

(ii) *Enforcement date and time.* July 3; 9 p.m. to 11 p.m. If the July 3 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 4; 9 p.m. to 11 p.m.

(22) *Independence Day Fireworks; Saugatuck, MI.*

(i) *Location.* All waters of Kalamazoo Lake within the arc of a circle with a 1000-foot radius from the fireworks launch site in position 42°38′52″ N, 086°12′18″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(23) *South Haven Fourth of July Fireworks; South Haven, MI.*

(i) *Location.* All waters of Lake Michigan and the Black River within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°24′7.5″ N, 086°17′11.8″ W (NAD 83).

(ii) *Enforcement date and time.* July 3; 9:30 p.m. to 11:30 p.m.

(24) *St. Joseph Fourth of July Fireworks; St. Joseph, MI.*

(i) *Location.* All waters of Lake Michigan and the St. Joseph River within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°06′48″ N, 086°29′5″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(25) *Town of Dune Acres Independence Day Fireworks; Dune Acres, IN.*

(i) *Location.* All waters of Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 41°39′23″ N, 087°04′59″ W (NAD 83).

(ii) *Enforcement date and time.* The first Saturday of July; 9:00 p.m. to 11:00 p.m.

(26) *Gary Fourth of July Fireworks; Gary, IN.*

(i) *Location.* All waters of Lake Michigan, approximately 2.5 miles east of Gary Harbor, within the arc of a circle with a 500-foot radius from the fireworks launch site located in position 41°37′19″ N, 087°14′31″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(27) *Joliet Independence Day Celebration Fireworks; Joliet, IL.*

(i) *Location.* All waters of the Des Plains River, at mile 288, within the arc

of a circle with a 500-foot radius from the fireworks launch site located in position 41°31′31″ N, 088°05′15″ W (NAD 83).

(ii) *Enforcement date and time.* July 3; 9 p.m. to 11 p.m. If the July 3 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 4; 9 p.m. to 11 p.m.

(28) *Glencoe Fourth of July Celebration Fireworks; Glencoe, IL.*

(i) *Location.* All waters of Lake Michigan, in the vicinity of Lake Front Park, within the arc of a circle with a 500-foot radius from the fireworks launch site located in position 42°08′17″ N, 087°44′55″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(29) *Lakeshore Country Club Independence Day Fireworks; Glencoe, IL.*

(i) *Location.* All waters of Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°08′27″ N, 087°44′57″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(30) *Shore Acres Country Club Independence Day Fireworks; Lake Bluff, IL.*

(i) *Location.* All waters of Lake Michigan, approximately one mile north of Lake Bluff, IL, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°17′59″ N, 087°50′03″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(31) *Kenosha Independence Day Fireworks; Kenosha, WI.*

(i) *Location.* All waters of Lake Michigan and Kenosha Harbor within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°35′17″ N, 087°48′27″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(32) *Fourthfest of Greater Racine Fireworks; Racine, WI.*

(i) *Location.* All waters of Lake Michigan and Racine Harbor, in the vicinity of North Beach, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°44′17″ N, 087°46′42″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(33) *Sheboygan Fourth of July Celebration Fireworks; Sheboygan, WI.*

(i) *Location.* All waters of Lake Michigan and Sheboygan Harbor, in the vicinity of the south pier, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 43°44′55″ N, 087°41′51″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(34) *Manitowoc Independence Day Fireworks; Manitowoc, WI.*

(i) *Location.* All waters of Lake Michigan and Manitowoc Harbor, in the vicinity of south breakwater, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 44°05′24″ N, 087°38′45″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(35) *Sturgeon Bay Independence Day Fireworks; Sturgeon Bay, WI.*

(i) *Location.* All waters of Sturgeon Bay, in the vicinity of Sunset Park, within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 44°50′37″ N, 087°23′18″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(36) *Fish Creek Independence Day Fireworks; Fish Creek, WI.*

(i) *Location.* All waters of Green Bay, in the vicinity of Fish Creek Harbor, within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 45°07′52″ N, 087°14′37″ W (NAD 83).

(ii) *Enforcement date and time.* The first Saturday after July 4; 9 p.m. to 11 p.m.

(37) *Celebrate Americafest Fireworks; Green Bay, WI.*

(i) *Location.* All waters of the Fox River between the railroad bridge located 1.03 miles above the mouth of the Fox River and the Main Street Bridge located 1.58 miles above the mouth of the Fox River, including all waters of the turning basin east to the mouth of the East River.

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(38) *Marinette Fourth of July Celebration Fireworks; Marinette, WI.*

(i) *Location.* All waters of the Menominee River, in the vicinity of Stephenson Island, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 45°06′09″ N, 087°37′39″ W and all waters located between the Highway U.S. 41 bridge and the Hattie Street Dam (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(39) *Evanston Fourth of July Fireworks; Evanston, IL.*

(i) *Location.* All waters of Lake Michigan, in the vicinity of Centennial Park Beach, within the arc of a circle with a 500-foot radius from the fireworks launch site located in position 42°02′56″ N, 087°40′21″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 11 p.m. If the July 4 fireworks are cancelled due to inclement weather, then this safety zone will be enforced July 5; 9 p.m. to 11 p.m.

(40) *Muskegon Summer Celebration Fireworks; Muskegon, MI.*

(i) *Location.* All waters of Muskegon Lake, in the vicinity of Heritage Landing, within the arc of a circle with a 1000-foot radius from a fireworks barge located in position 43°14′00″ N, 086°15′50″ W (NAD 83).

(ii) *Enforcement date and time.* The Sunday following July 4; 9 p.m. to 11 p.m.

(iii) Impact on Special Anchorage Area regulations: Regulations for that portion of the Muskegon Lake East Special Anchorage Area, as described in 33 CFR 110.81(b), which are overlapped by this regulation, are suspended during this event. The remaining area of the Muskegon Lake East Special Anchorage Area is not impacted by this regulation and remains available for anchoring during this event.

(41) *Gary Air and Water Show; Gary, IN.*

(i) *Location.* All waters of Lake Michigan bounded by a line drawn from 41°37′42″ N, 087°16′38″ W; then east to 41°37′54″ N, 087°14′00″ W; then south to 41°37′30″ N, 087°13′56″ W; then west to 41°37′17″ N, 087°16′36″ W; then north returning to the point of origin (NAD 83).

(ii) *Enforcement date and time.* This event has historically occurred during the month of July. The Captain of the

Port, Sector Lake Michigan, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcasts.

(42) *Milwaukee Air and Water Show; Milwaukee, WI.*

(i) *Location.* All waters and adjacent shoreline of Lake Michigan and Bradford Beach located within an area that is approximately 4600 by 1550 yards. The area will be bounded by the points beginning at 43°02′57″ N, 087°52′50″ W; then south along the Milwaukee Harbor break wall to 43°02′41″ N, 087°52′49″ W; then southeast to 43°02′26″ N, 087°52′01″ W; then northeast to 43°04′27″ N, 087°50′30″ W; then northwest to 43°04′41″ N, 087°51′29″ W; then southwest returning to the point of origin (NAD 83).

(ii) *Enforcement date and time.* This event has historically occurred during the month of August. The Captain of the Port, Sector Lake Michigan, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcasts.

(43) *Annual Trout Festival Fireworks; Kewaunee, WI.*

(i) *Location.* All waters of Kewaunee Harbor and Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 44°27′29″ N, 087°29′45″ W (NAD 83).

(ii) *Enforcement date and time.* Friday of the second complete weekend of July; 9 p.m. to 11 p.m.

(44) *Michigan City Summerfest Fireworks; Michigan City, IN.*

(i) *Location.* All waters of Michigan City Harbor and Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 41°43′42″ N, 086°54′37″ W (NAD 83).

(ii) *Enforcement date and time.* Sunday of the first complete weekend of July; 9 p.m. to 11 p.m.

(45) *Port Washington Fish Day Fireworks; Port Washington, WI.*

(i) *Location.* All waters of Port Washington Harbor and Lake Michigan, in the vicinity of the WE Energies coal dock, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 43°23′07″ N, 087°51′54″ W (NAD 83).

(ii) *Enforcement date and time.* The third Saturday of July; 9 p.m. to 11 p.m.

(46) *Bay View Lions Club South Shore Frolics Fireworks; Milwaukee, WI.*

(i) *Location.* All waters of Milwaukee Harbor and Lake Michigan, in the vicinity of South Shore Park, within the arc of a circle with a 500-foot radius from the fireworks launch site in position 42°59′42″ N, 087°52′52″ W (NAD 83).

(ii) *Enforcement date and time.* Friday, Saturday, and Sunday of the second or third weekend of July; 9 p.m. to 11 p.m. each day.

(47) *Venetian Festival Fireworks; St. Joseph, MI.*

(i) *Location.* All waters of Lake Michigan and the St. Joseph River, near the east end of the south pier, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°06′48″ N, 086°29′15″ W (NAD 83).

(ii) *Enforcement date and time.* Saturday of the third complete weekend of July; 9 p.m. to 11 p.m.

(48) *Joliet Waterway Daze Fireworks; Joliet, IL.*

(i) *Location.* All waters of the Des Plaines River, at mile 287.5, within the arc of a circle with a 300-foot radius from the fireworks launch site located in position 41°31′15″ N, 088°05′17″ W (NAD 83).

(ii) *Enforcement date and time.* Friday and Saturday of the third complete weekend of July; 9 p.m. to 11 p.m. each day.

(49) *EAA Airventure; Oshkosh, WI.*

(i) *Location.* All waters of Lake Winnebago bounded by a line drawn from 43°57′30″ N, 088°30′00″ W; then south to 43°56′56″ N, 088°29′53″ W, then east to 43°56′40″ N, 088°28′40″ W; then north to 43°57′30″ N, 088°28′40″ W; then west returning to the point of origin (NAD 83).

(ii) *Enforcement date and time.* The last complete week of July, beginning Monday and ending Sunday; from 8 a.m. to 8 p.m. each day.

(50) *Venetian Night Fireworks; Saugatuck, MI.*

(i) *Location.* All waters of Kalamazoo Lake within the arc of a circle with a 500-foot radius from the fireworks launch site located on a barge in position 42°38′52″ N, 086°12′18″ W (NAD 83).

(ii) *Enforcement date and time.* The last Saturday of July; 9 p.m. to 11 p.m.

(51) *Roma Lodge Italian Festival Fireworks; Racine, WI.*

(i) *Location.* All waters of Lake Michigan and Racine Harbor within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°44′04″ N, 087°46′20″ W (NAD 83).

(ii) *Enforcement date and time.* Friday and Saturday of the last complete weekend of July; 9 p.m. to 11 p.m.

(52) *Venetian Night Fireworks; Chicago, IL.*

(i) *Location.* All waters of Monroe Harbor and all waters of Lake Michigan bounded by a line drawn from 41°53′03″ N, 087°36′36″ W; then east to 41°53′03″ N, 087°36′21″ W; then south to 41°52′27″ N, 087°36′21″ W; then west to 41°52′27″ N, 087°36′37″ W; then north returning to the point of origin (NAD 83).

(ii) *Enforcement date and time.* Saturday of the last weekend of July; 9 p.m. to 11 p.m.

(53) *Port Washington Maritime Heritage Festival Fireworks; Port Washington, WI.*

(i) *Location.* All waters of Port Washington Harbor and Lake Michigan, in the vicinity of the WE Energies coal dock, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 43°23′07″ N, 087°51′54″ W (NAD 83).

(ii) *Enforcement date and time.* Saturday of the last complete weekend of July or the second weekend of August; 9 p.m. to 11 p.m.

(54) *Grand Haven Coast Guard Festival Fireworks; Grand Haven, MI.*

(i) *Location.* All waters of the Grand River within the arc of a circle with a 600-foot radius from the fireworks launch site located on the west bank of the Grand River in position 43°3′54.4″ N, 086°14′14.8″ W (NAD 83).

(ii) *Enforcement date and time.* First weekend of August; 9 p.m. to 11 p.m.

(55) *Sturgeon Bay Yacht Club Evening on the Bay Fireworks; Sturgeon Bay, WI.*

(i) *Location.* All waters of Sturgeon Bay, in the vicinity of the Sturgeon Bay Yacht Club, within the arc of a circle with a 500-foot radius from the fireworks launch site located on a barge in position 44°49′33″ N, 087°22′26″ W (NAD 83).

(ii) *Enforcement date and time.* The first Saturday of August; 9 p.m. to 11 p.m.

(56) *Hammond Marina Venetian Night Fireworks; Hammond, IN.*

(i) *Location.* All waters of Hammond Marina and Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 41°41′53″ N, 087°30′43″ W (NAD 83).

(ii) *Enforcement date and time.* The first Saturday of August; 9 p.m. to 11 p.m.

(57) *North Point Marina Venetian Festival Fireworks; Winthrop Harbor, IL.*

(i) *Location.* All waters of Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°28′55″ N, 087°47′56″ W (NAD 83).

(ii) *Enforcement date and time.* The second Saturday of August; 9 p.m. to 11 p.m.

(58) *Waterfront Festival Fireworks; Menominee, MI.*

(i) *Location.* All waters of Green Bay, in the vicinity of Menominee Marina, within the arc of a circle with a 1000-foot radius from a fireworks barge in position 45°06′28.5″ N, 087°35′51.3″ W (NAD 83).

(ii) *Enforcement date and time.* Saturday following first Thursday in August; 9 p.m. to 11 p.m.

(59) *Ottawa Riverfest Fireworks; Ottawa, IL.*

(i) *Location.* All waters of the Illinois River, at mile 239.7, within the arc of a circle with a 300-foot radius from the fireworks launch site located in position 41°20′29″ N, 088°51′20″ W (NAD 83).

(ii) *Enforcement date and time.* The first Sunday of August; 9 p.m. to 11 p.m.

(60) *Algoma Shanty Days Fireworks; Algoma, WI.*

(i) *Location.* All waters of Lake Michigan and Algoma Harbor within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 44°36′24″ N, 087°25′54″ W (NAD 83).

(ii) *Enforcement date and time.* Sunday of the second complete weekend of August; 9 p.m. to 11 p.m.

(61) *New Buffalo Fireworks; New Buffalo, MI.*

(i) *Location.* All waters of Lake Michigan and New Buffalo Harbor within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 41°48′09″ N, 086°44′49″ W (NAD 83).

(ii) *Enforcement date and time.* Will be enforced on either July 3rd or July 5th from; 9 p.m. to 11 p.m.

(62) *Pentwater Homecoming Fireworks; Pentwater, MI.*

(i) *Location.* All waters of Lake Michigan and the Pentwater Channel within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 43°46′56.5″ N, 086°26′38″ W (NAD 83).

(ii) *Enforcement date and time.* Saturday following the second Thursday of August; 9 p.m. to 11 p.m.

(63) *Chicago Air and Water Show; Chicago, IL.*

(i) *Location.* All waters and adjacent shoreline of Lake Michigan and Chicago Harbor bounded by a line drawn from 41°55′54'' N at the shoreline, then east to 41°55′54″ N, 087°37′12″ W, then southeast to 41°54′00″ N, 087°36′00″ W (NAD 83), then southwestward to the northeast corner of the Jardine Water Filtration Plant, then due west to the shore.

(ii) *Enforcement date and time.* This event has historically occurred during the month of August. The Captain of the Port, Sector Lake Michigan, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcasts.

(64) *Downtown Milwaukee BID 21 Fireworks; Milwaukee, WI.*

(i) *Location.* All waters of the Milwaukee River between the Kilbourn Avenue Bridge at 1.7 miles above the Milwaukee Pierhead Light to the State Street Bridge at 1.79 miles above the Milwaukee Pierhead Light.

(ii) *Enforcement date and time.* The third Thursday of November; 6 p.m. to 8 p.m.

(65) *New Years Eve Fireworks; Chicago, IL.*

(i) *Location.* All waters of Monroe Harbor and Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 41°52′41″ N, 087°36′37″ W (NAD 83).

(ii) *Enforcement date and time.* December 31; 11 p.m. to January 1; 1 a.m.

(66) *Cochrane Cup; Blue Island, IL.*

(i) *Location.* All waters of the Calumet Saganashkee Channel from the South Halstead Street Bridge at 41°39′27″ N, 087°38′29″ W; to the Crawford Avenue Bridge at 41°39′05″ N, 087°43′08″ W; and the Little Calumet River from the Ashland Avenue Bridge at 41°39′7″ N, 087°39′38″ W; to the junction of the Calumet Saganashkee Channel at 41°39′23″ N, 087°39′00″ W (NAD 83).

(ii) *Enforcement date and time.* The first Saturday of May; 6:30 a.m. to 5 p.m.

(67) *World War II Beach Invasion Re-enactment; St. Joseph, MI.*

(i) *Location.* All waters of Lake Michigan in the vicinity of Tiscornia Park in St. Joseph, MI beginning at 42°06′55″ N, 086°29′23″ W; then west/northwest along the north breakwater to 42°06′59″ N, 086°29′41″ W; the northwest 100 yards to 42°07′01″ N, 086°29′44″ W; then northeast 2,243 yards to 42°07′50″ N, 086°28′43″ W; the southeast to the shoreline at 42°07′39″ N, 086°28′27″ W; then southwest along the shoreline to the point of origin (NAD 83).

(ii) *Enforcement date and time.* The last Saturday of June; 8 a.m. to 2 p.m.

(68) *Ephraim Fireworks; Ephraim, WI.*

(i) *Location.* All waters of Eagle Harbor and Lake Michigan within the arc of a circle with a 750-foot radius from the fireworks launch site located on a barge in position 45°09′18″ N, 087°10′51″ W (NAD 83).

(ii) *Enforcement date and time.* The third Saturday of June; 9 p.m. to 11 p.m.

(69) *Thunder on the Fox; Elgin, IL.*

(i) *Location.* All waters of the Fox River, near Elgin, Illinois, between Owasco Avenue, located at approximate position 42°03′06″ N, 088°17′28″ W and the Kimball Street bridge, located at approximate position 42°02′31″ N, 088°17′22″ W (NAD 83).

(ii) *Enforcement date and time.* Friday, Saturday, and Sunday of the third weekend in June; 10 a.m. to 7 p.m. each day.

(70) *Olde Ellison Bay Days Fireworks Display, Ellison Bay, Wisconsin.*

(i) *Location.* All waters of Lake Michigan, in the vicinity of Ellison Bay Wisconsin, within a 400 foot radius from the fireworks launch site located on a barge in position 45°15′36″ N, 087°05′03″ W (NAD 83).

(ii) *Enforcement date and time.* The fourth Saturday of June; 9 p.m. to 10 p.m.

(71) *Town of Porter Fireworks Display, Porter Indiana.*

(i) *Location.* All waters of Lake Michigan within the arc of a circle with a 1000 foot radius from the fireworks launch site located in position 41°39′56″ N, 087°03′57″ W (NAD 83).

(ii) *Enforcement date and time.* The first Saturday of July; 8:45 p.m. to 9:30 p.m.

(72) *City of Menasha 4th of July Fireworks, Lake Winnebego, Menasha, Wisconsin.*

(i) *Location.* All U.S. navigable waters of Lake Michigan and the Fox River within the arc of a circle with an 800 foot radius from the fireworks launch site at position 41°39′56″ N, 087°03′57″ W (NAD 83).

(ii) *Enforcement date and time.* July 4; 9 p.m. to 10:30 p.m.

(73) *ISAF Nations Cup Grand Final Fireworks Display, Sheboygan, Wisconsin.*

(i) *Location.* All waters of Lake Michigan and Sheboygan Harbor, in the vicinity of the south pier in Sheboygan Wisconsin, within a 500 foot radius from the fireworks launch site located on land in position 43°44′55″ N, 087°41′51″ W (NAD 83).

(ii) *Enforcement date and time.* September 13; 7:45 p.m. to 8:45 p.m.

(74) *Magnificent Mile Fireworks Display, Chicago, Illinois.*

(i) *Location.* All waters and adjacent shoreline of the Chicago River bounded by the arc of the circle with a 210 foot radius from the fireworks launch site with its center in approximate position of 41°53′21″ N, 087°37′24″ W (NAD 83).

(ii) *Enforcement date and time.* The third weekend in November; sunset to termination of display.

(75) *Lubbers Cup Regatta; Spring Lake, MI.*

(i) *Location.* All waters of Spring Lake in Spring Lake, Michigan within a rectangle that is approximately 6,300 by 300 feet. The rectangle will be bounded by the points beginning at 43°04′55″ N,

086°12′32″ W; then east to 43°04′57″ N, 086°11′6″ W; then south to 43°04′54″ N, 086°11′5″ W; then west to 43°04′52″ N, 086°12′32″ W; then north back to the point of origin [NAD 83].

(ii) *Enforcement date and time.* April 12 from 3:00 p.m. until 7:00 p.m., and April 13 from 8:00 a.m. until 3:00 p.m.

(76) *Chicago Match Cup Race; Chicago, IL.*

(i) *Location.* All waters of Chicago Harbor in the vicinity of Navy Pier and the Chicago Harbor break wall bounded by coordinates beginning at 41°53′37″ N, 087°35′26″ W; then south to 41°53′24″ N, 087°35′26″ W; then west to 41°53′24″ N, 087°35′55″ W; then north to 41°53′37″ N, 087°35′55″ W; then back to point of origin [NAD 83].

(ii) *Enforcement date and time.* This event has historically occurred during the month of August. The Captain of the Port, Sector Lake Michigan, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcasts.

(77) *Chicago to Mackinac Race; Chicago, IL.*

(i) *Location.* All waters of Lake Michigan in the vicinity of the Navy Pier at Chicago IL, within a rectangle that is approximately 1500 by 900 yards. The rectangle is bounded by the coordinates beginning at 41°53′15.1″ N, 087°35′25.8″ W; then south to 41°52′48.7″ N, 087°35′25.8″ W; then east to 41°52′49.0″ N, 087°34′26.0″ W; then north to 41°53′15″ N, 087°34′26″ W; then west, back to point of origin [NAD 83].

(ii) *Enforcement date and time.* This event has historically occurred in the month of July. The Captain of the Port, Sector Lake Michigan, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcasts.

(b) Definitions. The following definitions apply to this section:

(1) Designated representative means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port, Sector Lake Michigan, to monitor a safety zone, permit entry into a zone, give legally enforceable orders to persons or vessels within a safety zone, and take other actions authorized by the Captain of the Port, Sector Lake Michigan.

(2) Public vessel means a vessel that is owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(c) Regulations. (1) The general regulations in 33 CFR 165.23 apply.

(2) All persons and vessels must comply with the instructions of the Captain of the Port, Sector Lake Michigan, or his or her designated representative. Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3) All vessels must obtain permission from the Captain of the Port, Sector Lake Michigan, or his or her designated representative to enter, move within or exit a safety zone established in this section when the safety zone is enforced. Vessels and persons granted permission to enter one of the safety zones listed in this section shall obey all lawful orders or directions of the Captain of the Port, Sector Lake Michigan, or his or her designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

(d) Suspension of enforcement. If the Captain of the Port, Sector Lake Michigan, suspends enforcement of any of these zones earlier than listed in this section, the Captain of the Port, Sector Lake Michigan, or his or her designated representative will notify the public by suspending the respective Broadcast Notice to Mariners.

(e) Exemption. Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(f) Waiver. For any vessel, the Captain of the Port, Sector Lake Michigan, or his or her designated representative may waive any of the requirements of this section, upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or environmental safety.

Dated: January 18, 2013.

M.W. Sibley,

Captain, U.S. Coast Guard, Captain of the Port, Sector Lake Michigan.

[FR Doc. 2013–02955 Filed 2–8–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2012–0965; FRL–9778–9]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Volatile Organic Compounds Emissions Reductions Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the District of Columbia (District) State Implementation Plan (SIP) submitted by the District Department of the Environment (DDOE) on March 15, 2012. These SIP revisions consist of amendments to Chapters 1 and 7 of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR) for the Control of Volatile Organic Compounds (VOC) to meet the requirement to adopt reasonably available control technology (RACT) for sources as recommended by the Ozone Transport Commission (OTC) model rules and EPA's Control Techniques Guidelines (CTG) standards. On January 26, 2010 and March 24, 2011, DDOE submitted negative declarations to EPA for the following VOC source categories: Auto and Light-duty Truck Assembly Coatings, Fiberglass Boat Manufacturing Materials, Paper, Film and Foil Coatings, and Flatwood Paneling. EPA also proposes to approve the negative declarations. This action is being taken under the CAA.

DATES: Written comments must be received on or before March 13, 2013.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2012–0965 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: mastro.donna@epa.gov.*

C. *Mail:* EPA–R03–OAR–2012–0965, Donna Mastro, Acting Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2012–0965. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web

site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the District. Department of the Environment, Air Quality Division, 1200 1st Street NE., 5th floor, Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Gregory Becoat, (215) 814–2036, or by email at *becoat.gregory@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. EPA Action
II. Background and Description of the District's SIP Revision
III. Proposed Action
IV. Statutory and Executive Order Review

I. EPA Action

EPA is proposing to approve revisions to the District's SIP which were submitted by DDOE on January 26, 2010, March 24, 2011 and March 15, 2012. The SIP revision submittals consist of amendments to the District's regulations to impose the VOC RACT requirements as recommended by OTC's model rules for consumer products, adhesives and sealants, architectural and industrial maintenance, portable fuel containers and spouts, and solvent cleaning and also include VOC RACT requirements consistent with EPA's CTGs for flexible packaging and printing, large appliance coatings, metal furniture coatings, and miscellaneous metal products and plastic parts coatings, lithographic and letterpress printing, miscellaneous industrial adhesives, and industrial cleaning solvents. Specifically, DDOE has amended 20 DCMR Chapters 1 and 7 to impost RACT and reduce further VOC emissions in the District. These amendments reflect technology developments and expand VOC emission controls, as well as reflect the RACT requirements in EPA's CTGs and the recommended control requirements of the OTC model rules. EPA is also proposing to approve the negative declarations submitted for Auto and Light-duty Truck Assembly Coatings, Fiberglass Boat Manufacturing Materials, Paper, Film and Foil Coatings, and Flatwood Paneling because EPA agrees with the DDOE's declaration that no sources for these categories are located in the District.

II. Background and Description of the District's SIP Revision

The Washington Metropolitan Area, which includes the District, is designated nonattainment for the 2008 eight-hour national ambient air quality standards (NAAQS) for ozone. As a result, the District is required to adopt measures to reduce ozone levels, including precursor emissions of VOCs. The standards and requirements contained in the District's regulations to reduce VOCs and precursors of ozone incorporate the level of control recommended in the OTC model rules. The OTC model rules are based on the existing rules developed by the 1998 California Air Resources Board (CARB) RACT determination. Implementing the model rules will result in VOC emission reductions in VOC at least as stringent as any applicable CTGs and will support attainment demonstrations and reductions in ground-level ozone.

In addition to adopting RACT regulations consistent with the level of control recommended by the OTC model rules, the District also adopted VOC RACT regulations consistent with the requirements of several CTGs published by EPA. Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACM), including RACT, for sources of emissions. Section 182(b)(2)(A) provides that for certain nonattainment areas, states must revise their SIP to include RACT for sources of VOC emissions covered by a CTG document issued after November 15, 1990 and prior to the area's date of attainment. EPA defines RACT as ''the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.'' 44 FR 53761 (Sept. 17, 1979). In subsequent **Federal Register** notices, EPA has addressed how states can meet the RACT requirements of the CAA.

CTGs are documents issued by EPA intended to provide state and local air pollution control authorities information that should assist them in determining RACT for VOC from various sources. In either case, states must submit their RACT rules to EPA for review and approval as SIP revisions. Implementing EPA's CTGs will reduce emissions of VOC from source categories and help the District attain and maintain the NAAQS for ozone.

On January 26, 2010, March 24, 2011 and March 15, 2012, DDOE submitted SIP revisions consisting of negative declarations for certain VOC source categories and VOC RACT regulations consistent with the recommendations contained in the OTC's model rules and EPA's CTGs for the control of VOC from various VOC source categories. The District has revised the following sections of 20 DCMR Chapters 1 and 7 to impose RACT: section 100, ''Purpose, Scope, And Construction,'' section 199, ''Definitions and Abbreviations,'' section 700, ''Miscellaneous Volatile Organic Compounds,'' section 707, ''Perchloroethylene Dry Cleaning,'' section 708, ''Solvent Cleaning,'' section 710, ''Intaglio, Flexographic, And Rotogravure Printing,'' section 714, ''Controls And Prohibitions on Gasoline Volatility,'' section 715, ''Reasonably Available Control Technology,'' section 716, ''Offset Lithography,'' sections 719 to 737, ''Consumer Products,'' sections 743 to 749, ''Adhesives and Sealants,'' sections 751 to 758, ''Portable Fuel Containers And Spouts (currently SIP sections 735 through 741),'' sections 763 to 769, ''Solvent Cleaning (currently SIP sections 742 through 748),'' section 770, ''Miscellaneous Industrial Solvent Cleaning Operations,'' section 771, ''Miscellaneous Cleaning And VOC Materials Handling Standards,'' sections 773 to 778, ''Architectural And Industrial Maintenance Coating (currently SIP sections 749 through 754),'' and section 799, ''Definitions.'' A more complete explanation of the changes and EPA's analysis of the changes, are contained in the technical

support document (TSD) prepared in support of this proposed rulemaking. A copy of this TSD is located in the docket of this proposed rulemaking.

III. Proposed Action

EPA is proposing to approve the District of Columbia's SIP revisions submitted on January 26, 2010, March 24, 2011 and March 15, 2012, adopting VOC RACT requirements for various source categories. EPA is also proposing to approve the District's negative declarations pursuant to section 182(b)(2)(A) of the CAA for those CTG categories where no sources are located in the District. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, pertaining to District's amendments to regulations for the control of VOCs, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: January 29, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2013–02920 Filed 2–8–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2012–0982; FRL–9777–3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to Maryland's Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Maryland for the purpose of adopting through incorporation by reference the national ambient air quality standards (NAAQS). In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because EPA views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by March 13, 2013.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2012–0982 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: Mastro.Donna@epa.gov.*

C. *Mail:* EPA–R03–OAR–2012–0982, Donna Mastro, Acting Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2012–0982. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *ww.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of

special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Christopher Cripps, (215) 814–2179, or by email at *Cripps.Christopher@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information regarding Maryland's adoption through incorporation by reference of the national ambient air quality standards (NAAQS), please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: January 25, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2013–02926 Filed 2–8–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2012–0494: FRL–9778–7]

Approval and Promulgation of Implementation Plans; Oregon: Heat Smart Program and Enforcement Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve multiple revisions to Oregon's State Implementation Plan (SIP) submitted to the EPA by the Oregon Department of Environmental Quality (ODEQ) on October 5, 2011, June 8, 2012, and November 28, 2012. The October 5, 2011 submission contains revisions to the Heat Smart program and to the enforcement procedures and civil penalties in Oregon Administrative Rules (OAR) Chapter 340, Division 12 (OAR 340–12). The June 8, 2012 submission contains additional revisions to the Heat Smart program, along with minor revisions and clarifications to general air pollution definitions (OAR 340–200), rules for stationary source notification requirements (OAR 340–210), and requirements for fuel burning (OAR 340–228). The November 28, 2012 submission contains revisions to approve the inclusion of expedited enforcement offers and updated penalty classifications and criteria (OAR 340–012).

DATES: Comments must be received on or before March 13, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2012–0494, by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Mail:* Justin A. Spenillo, EPA, Office of Air, Waste, and Toxics, AWT–107, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101.

C. *Email: R10-Public_Comments@epa.gov.*

D. *Hand Delivery:* EPA, Region 10 Mailroom, 9th Floor, 1200 Sixth Avenue, Seattle, Washington 98101. Attention: Justin A. Spenillo, Office of Air Waste, and Toxics, AWT–107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2012–0494. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information that is restricted by statute from disclosure. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov index.* Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information that is restricted by statute from disclosure. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Justin A. Spenillo, (206) 553–6125; or by email at *spenillo.justin@epa.govmailto: body.steve@epa.gov.*

SUPPLEMENTARY INFORMATION:

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B. The EPA's Review of OAR Chapter 340, Division 12 Rules (October 5, 2011 and November 28, 2012 Submittals)
C. The EPA's Review of OAR Chapter 340, Divisions 200, 210, and 228 Rules (June 8, 2012 Submittal)
D. The EPA's Review of OAR 340–200–0040 (October 5, 2011, June 8, 2012, and November 28, 2012 Submittals)
III. Summary of Action
IV. Statutory and Executive Orders Review

I. This Action

Title I of the CAA, as amended by Congress in 1990, specifies the general requirements for states to submit SIPs to attain and maintain the National Ambient Air Quality Standards (NAAQS) and the EPA's actions regarding approval of those SIPs. In this action, we are proposing to approve and incorporate by reference (IBR) revisions

to the portions of Oregon's SIP relating to the Heat Smart Program found at OAR 340–262 and submitted by ODEQ on October 5, 2011 and June 8, 2012.

The EPA is also proposing to approve but not IBR revisions to enforcement provisions in OAR 340–012, submitted by ODEQ on October 5, 2011 and November 28, 2012. In addition, the EPA proposes to approve the remaining revisions to OAR 340–012 only to the extent they relate to enforcement of requirements contained in the Oregon SIP.

The EPA proposes to approve revisions to OAR 340–200 (except OAR 340–200–0040), OAR 340–210 and OAR 340–228, as they relate to general definitions, stationary source notification requirements, and fuel requirements in the Oregon SIP. These revisions were submitted by ODEQ on June 8, 2012.

Each of the above-described submittals (October 5, 2011, June 8, 2012, and November 28, 2012) contains an amendment to OAR 340–200–0040, which describes the State's procedures for adopting its Clean Air Act Implementation Plan and references all of the state air regulations that have been adopted by the Environmental Quality Commission (EQC) for approval into the SIP (as a matter of state law), whether or not they have been submitted or approved by the EPA. We are proposing no action on the revisions to OAR 340–200–0040 in each of these submittals because it is unnecessary to take action on a provision addressing the State's SIP adoption procedures and because the Federally-approved SIP consists only of regulations and other requirements that have been submitted by ODEQ and approved by the EPA.

II. Why are we proposing to approve these revisions?

We are proposing to approve the SIP revisions submitted by ODEQ on October 5, 2011, June 8, 2012, and November 28, 2012 (except for OAR 340–200–0040) because they serve to clarify and strengthen the State's existing SIP and are consistent with the CAA requirements. A more detailed explanation of the basis for our approval is provided below and in the materials included in the docket.

A. The EPA's Review of OAR Chapter 340, Division 262 Heat Smart Program for Residential Woodstoves and Other Solid Fuel Heating Devices (October 5, 2011 and June 8, 2012 Submittals)

OAR 340–262 was last approved by the EPA on January 22, 2003 (68 FR 2891). The Federally-approved woodheating rules previously codified at OAR 340–262 have been reorganized and strengthened within the same division and renamed as the Heat Smart Program for Residential Woodstoves and Other Solid Fuel Heating Devices. The Heat Smart program requires the removal of uncertified woodstoves and most other uncertified solid fuel heating devices upon the sale of a home. The revisions included in ODEQ's October 5, 2011 and June 8, 2012 submittals provide for: establishing the Heat Smart program as a statewide program as opposed to being a contingency measure only applicable to non-attainment areas in Oregon, streamlining and reorganizing the existing woodheating rules, and additions to the rules that strengthen the division and contribute to maintenance of the NAAQS. Table 1 below outlines the reorganization of OAR 340–262.

TABLE 1—REORGANIZATION OF OAR 340–262

Rule name	Prior rule	New rule
Purpose	–0010	–0400
Definitions	–0020	–0450
Woodstove Sales—Requirements for Sale of Woodstoves	–0030	–0600
Exemptions	–0040	–0600, –0700, –0800
Civil Penalties	–0050	–0800
Woodstove Certification Program—Applicability	–0100	–0500
Emissions Performance Standards and Certification	–0110	–0500
General Certification Procedures	–0120	–0500
Labeling Requirements	–0130	–0600
Woodburning Curtailment—Applicability	–0200	–0800 (1)
Determination of Air Stagnation Conditions	–0210	–0800 (3)
Prohibition of Woodburning During Periods of Air Stagnation	–0220	–0800 (4)
Public Information Program	–0230	–0800 (5)
Enforcement	–0240	–0800 (6–8)
Suspension and Department Program	–0250	–0800 (9)
Woodstove Removal Contingency Program—Applicability	–0300	–0700
Removal and Destruction of Uncertified Stove Upon Sale of Home	–0310	–0700
Home Seller's Responsibility to Verify Stove Destruction	–0320	–0700
Home Seller's Responsibility to Disclose	–0330	–0700
Materials Prohibited from Burning	New	–0900

The expansion of the Heat Smart program to a statewide program makes it applicable to a larger geographic area and with broader criteria, and enhances protection of air quality by accelerating the replacement of uncertified woodstoves. This revision strengthens the SIP by increasing the applicability and scope of the Heat Smart program which will result in the removal of more uncertified woodstoves and other uncertified solid fuel heating devices, and is therefore more protective of the NAAQS.

In addition to the reorganization of OAR 340–262 and the expansion of the Heat Smart program statewide, Oregon submitted for approval a number of additions, clarifications, and streamlining revisions. Oregon requests approval to add prohibitions limiting the types of materials that can be burned in a solid fuel device. The inclusion of such limitations strengthens the SIP by reducing the potential emission of criteria pollutants from the burning of inappropriate material. Oregon also proposes to expand the applicability of the rules from woodstoves/woodheaters to include solid fuel burning devices. The October 5, 2011 submittal requests approval to include a new definition for solid fuel burning devices that includes

woodstoves and other devices that burn wood, coal, or other nongaseous or nonliquid fuels. The June 8, 2012 submittal refines the definition to maintain the residential focus of the rule by not including small scale heating devices used for commercial, industrial, and institutional facilities. The new definition of solid fuel burning devices is more stringent because it covers residential heating devices that use wood, coal, or other non-gaseous or non-liquid fuels in addition to the residential woodheating devices covered under the prior definition.

Based on the EPA's review and analysis of OAR 340–262, the EPA is proposing to approve the above-described SIP strengthening revisions as meeting the requirements of section 110 of the CAA. In addition, the EPA proposes to remove from the SIP the regulations previously codified at OAR 340–262–0010 to OAR 340–262–0330 because the citations for these regulations have been renumbered as shown in Table 1.

B. The EPA's Review of OAR Chapter 340, Division 12 Rules (October 5, 2011 and November 28, 2012 Submittals)

The October 5, 2011 submittal included revisions to OAR 340–012–0054 and 340–012–0140. These revisions strengthen enforcement by including as Class I and II violations the restrictions on burning certain materials in solid fuel devices contained in OAR 340–262–0900, and by updating the related penalty matrix. Oregon is also requesting one revision to remove as a Class III violation the failure to display a certified woodstove temporary label. The removal of this violation as a Class III violation will not interfere with attainment and maintenance of the NAAQS.

The November 28, 2012 submittal includes one substantive revision and minor typographical and renumbering revisions. The substantive revision was the addition of expedited enforcement offers and associated criteria at OAR 340–012–0030, 340–012–0038, and 340–012–0170. An expedited enforcement offer is a written offer from ODEQ to settle alleged violations using expedited procedures. The purpose of expedited enforcement offers is to promote compliance and enforcement through faster, informal resolution of alleged violations. The minor typographical and renumbering revisions address OAR 340–012–0155.

The EPA has reviewed the revisions described above and finds that they provide ODEQ with adequate authority for enforcing the SIP as required by Section 110 of the CAA and 40 CFR 51.230(b). The EPA is therefore proposing to approve the revisions to OAR 340–012 subject to the qualifications and in the manner discussed below.

The EPA's authority to approve SIP revisions extends to provisions related to attainment and maintenance of the NAAQS and carrying out other specific requirements of Section 110 of the CAA. In addition, EPA is approving the remaining sections in OAR 340–012 only to the extent they relate to enforcement of requirements contained in the Oregon SIP.

Although the EPA is approving the regulations in OAR 340–012 in the manner discussed above, the EPA is not incorporating these rules by reference into the Code of Federal Regulations because the EPA relies on its own independent enforcement procedures and penalty provisions in bringing enforcement actions and assessing penalties under the CAA.

The EPA also notes that Oregon Revised Statute (ORS) 468.126 prohibits ODEQ from imposing a penalty for violation of an air, water or solid waste permit unless the source has been provided five days advanced written notice of the violation and has not come into compliance or submitted a compliance schedule within that five-day period. By its terms, this statutory provision does not apply to Oregon's Title V program or to any program if application of the notice provision would disqualify the program from Federal delegation. Oregon has previously confirmed that, because application of the notice provision would preclude the EPA approval of the Oregon SIP, no advance notice is required for violation of SIP requirements.

C. The EPA's Review of OAR Chapter 340, Divisions 200, 210, and 228 Rules (June 8, 2012 Submittal)

The June 8, 2012 submission includes revisions to OAR 340, Divisions 200, 210, and 228, which were last subject to the EPA approval on January 22, 2003 (68 FR 2891). OAR 340–200 includes the rules for General Air Pollution Procedures and Definitions, OAR 340–210 includes the rules for Stationary Source Notification Requirements, and OAR 340–228 includes the rules for Requirements for Fuel Burning Equipment and Fuel Sulfur.

Revisions to OAR 340–200–0020, General Air Quality Definitions, include minor typographical corrections, inclusion of a definition of ''form,'' and subsequent renumbering.

Revisions to OAR 340–210, Stationary Source Notification Requirements, include changes to OAR 340–210–0100, 340–210–0110, 340–210–0120, and 340–210–0250. The revisions to OAR 340–210–0100 expand upon and clarify the applicable sources, personnel, and criteria necessary for a source to register with ODEQ in lieu of obtaining a permit. The revision to OAR 340–210–0100 also includes updated fee information and clarifies the registration requirements applicable to sources subject to a federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs). Revisions to OAR 340–210–0110 and 340–210–0120 expand and clarify the registration criteria and requirements to maintain registration. Revisions to OAR 340–210–0250, Approval to Operate, clarify that compliance with existing standards, testing and monitoring requirements, and registration are still required and applicable. These revisions are more detailed and stringent than the previously approved provisions and are improvements to the rule.

Revisions to OAR 340–228, Requirements for Fuel Burning Equipment and Fuel Sulfur Content, include changes to OAR 340–228–0020, 340–228–0200, and 340–228–0210. These revisions include a cross reference to the revised OAR 340–262 and clarify source applicability dates.

Based on the EPA's review and analysis of the revisions to OAR 340–200, 340–210, and 340–228, the EPA is proposing to approve the revisions because they meet the requirements of section 110 of the CAA and will not interfere with attainment or maintenance of the NAAQS.

D. The EPA's Review of OAR 340–200–0040 (October 5, 2011, June 8, 2012, and November 28, 2012 Submittals)

On October 5, 2011, June 8, 2012, and November 28, 2012, Oregon submitted for SIP approval amendments to OAR 340–200–0040. The EPA is proposing no action on these amendments because it is unnecessary to take action on provisions addressing the State's SIP adoption procedures and incorporating by reference all of the revisions adopted by the State for approval into the SIP (as a matter of state law).

III. Summary of Action

The EPA is proposing to approve amendments to OAR Chapter 340, Divisions 12, 200, 210, 228 and 262 because they are consistent with CAA requirements. We are also proposing to take no action to approve amendments to OAR 340–200–0040 submitted on October 5, 2011, June 8, 2012, and November 28, 2012.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Particulate matter.

Dated: January 31, 2013.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2013–02964 Filed 2–8–13; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Humanities

45 CFR Part 1171

RIN 3136–AA32

Public Access to NEH Records Under the Freedom of Information Act

AGENCY: National Endowment for the Humanities.

ACTION: Proposed rule.

SUMMARY: The National Endowment for the Humanities (NEH) is unilaterally rescinding its joint Freedom of Information Act (FOIA) regulations with the National Endowment for the Arts (NEA) and the Institute of Museum and Library Services (IMLS), and issuing its own FOIA regulations. The new regulations provide the NEH's proposed procedures for disclosure of its records, as required by the FOIA, 5 U.S.C. 552, as amended. These regulations also provide the proposed procedures for disclosing records of the Federal Council on the Arts and the Humanities (FCAH), an agency for which NEH provides legal counsel.

DATES: Written comments must be postmarked and electronic comments must be submitted on or before April 12, 2013.

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

- *Email: Gencounsel@neh.gov.* Please include ''FOIA Regulations'' in the subject line of the message.
- *FAX:* (202) 606–8600. Please send your comments to the attention of Michelle Ghim.
- *Mail:* Michelle Ghim, Office of the General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Ave. NW., Room 529, Washington, DC 20506. To ensure proper handling, please reference ''FOIA Regulations'' on your correspondence.

FOR FURTHER INFORMATION CONTACT: Michelle Ghim, Office of the General Counsel, National Endowment for the Humanities, 202–606–8322.

SUPPLEMENTARY INFORMATION: The NEH along with the NEA, the IMLS, and the FCAH make up the National Foundation on the Arts and Humanities (Foundation). The Foundation was established by the National Foundation on the Arts and Humanities Act of 1965, 20 U.S.C. 951 *et seq.* The NEH along with the NEA and the IMLS last issued joint FOIA regulations, 45 CFR part 1100, on December 21, 1987. Each agency has now decided to issue its own separate FOIA regulations. The NEH's regulations incorporate changes brought by the amendments to the FOIA under the OPEN Government Act of 2007, Public Law 110–175, 121 Stat. 2524. These regulations also include changes to the NEH's fee schedule for processing FOIA requests, provide procedures under which the agency will process requests for the NEH Office of the Inspector General records, and reflect developments in FOIA case law.

E.O. 12866, Regulatory Review

The NEH has determined that the proposed rule is not a ''significant regulatory action'' under Executive Order 12866 and therefore is not subject to Office of Management and Budget (OMB) Review.

Regulatory Flexibility Act

The NEH Chairman, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. Under the FOIA, NEH may recover only the direct costs of searching for, reviewing, and duplicating the records that agencies process for requesters. NEH's fee schedules for such costs are consistent with OMB guidelines on FOIA fees, and provide criteria by which requesters may receive a fee waiver or reduction of fees. Furthermore, the rule will only affect persons and organizations who file FOIA requests with NEH, which receives relatively few requests each year (generally less than fifty (50) per year) in comparison to other Federal departments and agencies.

Unfunded Mandates Reform Act of 1995

For purposes of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4, the proposed rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100,000,000 million or more in any one year, and it will not significantly or uniquely affect small governments.

Small Business Regulatory Enforcement Fairness Act of 1996

This proposed rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804, as amended. This rule will not result in an annual effect on the economy of $100,000,000 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

The NEH has determined that the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* does not apply to the proposed rule because the rule does not contain information collection requirements that require OMB approval.

List of Subjects in 45 CFR Part 1171

Administrative practice and procedure, Freedom of Information.

For the reasons stated in the preamble, the National Endowment for the Humanities proposes to amend 45 CFR Subchapter D by adding part 1171 as follows:

PART 1171—PUBLIC ACCESS TO NEH RECORDS UNDER THE FREEDOM OF INFORMATION ACT

Sec.

1171.1 About the National Endowment for the Humanities.
1171.2 General provisions.
1171.3 Information policy.
1171.4 Public availability of records.
1171.5 Requests for records.
1171.6 Responsibilities for processing and responding to requests.
1171.7 Timing of responses to requests.
1171.8 Responses to requests.
1171.9 Confidential commercial information.
1171.10 Administrative appeals.
1171.11 Fees.
1171.12 Other Rights and Services.

Authority: 5 U.S.C. 552, 31 U.S.C. 3717, E.O. 12600.

§ 1171.1 About the National Endowment for the Humanities.

The National Endowment for the Humanities (NEH) was established by the National Foundation on the Arts and Humanities Act of 1965, 20 U.S.C. 951 *et seq.,* and is an independent grant-making agency of the United States government dedicated to supporting research, education, preservation, and public programs in the humanities. The NEH is directed by a Chairman and has an advisory council composed of twenty-six presidentially-appointed and Senate-confirmed members.

§ 1171.2 General provisions.

This part contains the regulations the NEH follows in processing requests for NEH records under the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended. The NEH also follows these regulations to process all FOIA requests made to the Federal Council on the Arts and the Humanities (FCAH), an organization established by the National Foundation on the Arts and Humanities Act of 1965 for which the NEH provides legal counsel. These regulations should be read together with the FOIA, which provides additional information about access to NEH and FCAH records.

§ 1171.3 Information policy.

The NEH may provide information the agency routinely makes available to the public through its regular activities (for example, program announcements and solicitations, press releases, and summaries of awarded grant applications) without following this part. As a matter of policy, the NEH makes discretionary disclosures of records or information otherwise exempt under the FOIA whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption. This policy, however, does not create any right enforceable in court.

§ 1171.4 Public availability of records.

(a) In accordance with 5 U.S.C. 552(a)(2), the NEH will make the following records available for public inspection and copying (unless they are published and copies are offered for sale) without a FOIA request:

(1) Final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases,

(2) Statements of policy and interpretations which have been adopted by the agency and are not published in the **Federal Register**,

(3) Administrative staff manuals and instructions to staff that affect a member of the public,

(4) Copies of all records, regardless of format, which have been released to any person under 5 U.S.C. 552(a)(3) and which, because of the nature of their subject matter, the NEH determines have become or are likely to become the subject of subsequent requests for substantially the same records, and

(5) a general index of the records referred to in paragraph (b)(4) of this paragraph.

(b) The NEH will also maintain and make available for public inspection and copying current indexes as required by 5 U.S.C. 552(a)(2) of the FOIA. However, since the NEH has determined that publication and distribution of these indexes is unnecessary and impracticable, the NEH will provide these indexes upon request at a cost not to exceed the direct cost of the duplication.

(c) Many NEH records, including past awards, press releases, grant guidelines, and grant terms and conditions, are available on the NEH's Web site at *www.neh.gov.* In addition, copies of the NEH's policy statements, frequently requested records, and information about the NEH's FOIA program are available in the NEH's Electronic Reading Room.

§ 1171.5 Requests for records.

(a) *How to make a request.* Your FOIA request need not be in any particular format, but it must:

(1) Be in writing;

(2) Include your full name, mailing address, and daytime telephone number;

(3) Include your email address if you choose to submit your request on the NEH Web site;

(4) Be clearly identified as a FOIA request both in the text of the request and on the envelope (or on the facsimile or in the subject heading of an email message); and

(5) Describe the requested records in enough detail to enable NEH staff to locate them with a reasonable amount of effort. Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. The NEH has no obligation to answer questions posed as FOIA requests or to create, compile, or obtain a record to satisfy a FOIA request.

(b) *Agreement to pay fees.* If you make a FOIA request, the NEH will consider it an agreement by you to pay all applicable fees charged under this part, up to and including the amount of $25.00, unless you seek a waiver or reduction of fees. When making a request, you may specify a willingness to pay a greater or lesser amount.

(c) *Where to send a request.* (1) For NEH records (except NEH Office of the Inspector General records) and/or FCAH records, write to: The General Counsel, Office of the General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Ave. NW., Room 529, Washington, DC 20506. You may also send your request to the NEH General Counsel by facsimile at 202–606–8600, by email at *gencounsel@neh.gov,* or through the NEH's electronic FOIA

request system, which is available on the NEH Web site at *www.neh.gov*.

(2) For NEH Office of the Inspector General records, write to: The Inspector General, Office of the Inspector General, National Endowment for the Humanities, 1100 Pennsylvania Ave. NW., Room 419, Washington, DC 20506. You may also send your request to the Inspector General by facsimile at 202–606–8329 or by email at *oig@neh.gov*.

§ 1171.6 Responsibilities for processing and responding to requests.

(a) *Processing requests.* The NEH Office of the General Counsel (OGC) is the central office for processing requests for records, except when it's necessary for the NEH Office of Inspector General (OIG) to process a request to maintain the OIG's independence or ability to carry out its statutorily mandated duties. If the request is for OIG records, the NEH will inform the requester which office will be processing the request.

(b) *Authority to grant or deny requests.* The NEH General Counsel (or designee) is authorized to grant or deny requests for NEH records (excluding requests for OIG records), and/or FCAH records. The NEH Deputy Inspector General (or designee) is authorized to grant or deny requests for OIG records. The NEH General Counsel (or designee) is authorized to grant or deny requests on any fee matters and requests for expedited treatment, including OIG-related requests.

(c) *Consultations and referrals.* When the NEH receives a request for a record in its possession, the agency will determine whether another Federal government agency is better able to decide whether the record should or should not be disclosed under the FOIA.

(1) If the NEH determines that it is the agency best able to process the record in response to the request, then it will do so, after consultation with the other agency that has a substantial interest in the requested records.

(2) If the NEH determines that it is not the agency best able to process the record, then it will refer the record (or portion thereof) to the other Federal agency, but only if that agency is subject to the FOIA.

(d) *Notice of referral.* Whenever the NEH refers all or any part of the responsibility for responding to a request to another agency, the NEH will notify the requester of the referral and of the name of each agency to which the NEH has referred the request.

§ 1171.7 Timing of responses to requests.

(a) *In general.* The NEH customarily will respond to requests according to their order of receipt. In determining which records are responsive to a request, the NEH will include only those records in its possession as of the date it begins its search for records. If any other date is used, the NEH will inform the requester of that date.

(b) *Timing for initial response.* Ordinarily, the NEH will determine whether to grant or deny a request for records within twenty (20) days (weekends and Federal holidays excluded) of when the NEH receives a request.

(c) *Tolling of time limits.* The NEH may toll the 20-day time period to:

(1) Make one request for information it reasonably requests from the requester; or

(2) Clarify the applicability or amount of any fees, if necessary, with the requester.

(3) Under paragraphs (c)(1) or (2) of this section, the tolling period ends upon the NEH's receipt of the information or clarification from the requester.

(d) *Unusual circumstances.* (1) When the NEH cannot meet the statutory time limits for processing a request because of unusual circumstances as defined in the FOIA, the NEH may extend the response time as follows:

(i) if the extension will be for ten (10) or less working days (i.e., weekends and Federal holidays excluded), the NEH will notify the requester as soon as practicable in writing of the unusual circumstances and the expected response date; and

(ii) if the extension will be for more than ten (10) working days, the NEH will provide the requester with an opportunity either to modify the request so that it may be processed within the time limit or to arrange an alternative time period to process the request or a modified request.

(2) If the NEH reasonably believes that multiple requests submitted by a requester, or a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances, and the requests involve clearly related matters, the NEH may aggregate the requests. The NEH will not aggregate multiple requests involving unrelated matters.

(e) *Expedited processing.* (1) The NEH will take requests and appeals out of order and give them expedited treatment whenever it determines that they involve:

(i) circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) an urgency to inform the public about actual or alleged Federal government activity if the expedited processing request is made by a person primarily engaged in disseminating information.

(2) A requester may seek expedited processing at the time of the requester's initial request for records or at any later time.

(3) To request expedited processing, a requester must submit a statement, certified to be true and correct to the requester's best knowledge and belief, explaining in detail the basis for requesting expedited processing.

(4) Within ten (10) calendar days of receipt of a request for expedited processing, the NEH will decide whether to grant it and will notify the requester of the decision. If the NEH grants a request for expedited processing, the NEH will give the request priority and will process the request as soon as practicable. If the NEH denies a request for expedited processing, the NEH will act upon any appeal of that decision expeditiously.

§ 1171.8 Responses to requests.

(a) *Acknowledgment of requests.* Upon receipt of a request that will take longer than ten (10) days to process, the NEH will send the requester an acknowledgment letter that assigns the request an individualized tracking number.

(b) *Grants of requests.* If the NEH makes a determination to grant a request in whole or in part, it will notify the requester in writing. The NEH will inform the requester of any applicable fees and will disclose records to the requester promptly on payment of any applicable fees. The NEH will mark or annotate records disclosed in part to show the amount of information deleted pursuant to a FOIA exemption, unless doing so would harm an interest protected by an applicable FOIA exemption. If technically feasible, the NEH will also indicate, on the agency record(s) it provides, the location of the information deleted.

(c) *Denials of requests.* If the NEH makes a determination to deny a request in any respect, the NEH will also notify the requester in writing of: (1) the name and title or position of the person responsible for the denial; (2) a brief statement of the reason(s) for the denial, including any FOIA exemption applied by the NEH in denying the request; (3) an estimate of the volume of records or information withheld, if applicable. This estimate need not be provided if the volume is otherwise indicated through deletion on the records disclosed in part, or if providing an

estimate would harm an interest protected by an applicable exemption; (4) a statement that the requester may appeal the denial under § 1171.10 and a description of the requirements to appeal.

§ 1171.9 Confidential commercial information.

(a) *In general.* The NEH will not disclose confidential commercial information in response to a FOIA request, except as described in this section.

(b) *Definitions.* For purposes of this section:

(1) *Confidential commercial information* means commercial or financial information obtained by the NEH from a submitter that may be protected from disclosure under Exemption 4 of the FOIA.

(2) *Submitter* means any person or entity from whom the NEH obtains confidential commercial information, directly or indirectly. The term includes corporations; state, local, and tribal governments; and foreign governments.

(c) *Designation of confidential commercial information.* A submitter of confidential commercial information will use good-faith efforts to designate by appropriate markings, either at the time of submission or at a reasonable time thereafter, any portions of its submission that it considers to be protected from disclosure under Exemption 4. These designations will expire ten years after the date of the submission unless the submitter requests, and provides justification for, a longer designation period.

(d) *When notice to submitters is required.*

(1) The NEH will give notice to a submitter whenever: (i) The submitter, in good faith, has designated the requested information as information considered protected from disclosure under Exemption 4; or

(ii) The NEH has reason to believe that the information may be protected from disclosure under Exemption 4.

(2) The notice will either describe the confidential commercial information requested or include copies of the requested records or record portions containing the information. In cases involving a voluminous number of submitters, the NEH may make notice by posting or publishing the notice in a place reasonably likely to accomplish it.

(e) *Exceptions to submitter notice requirements.* The notice requirements of this section will not apply if:

(1) The NEH determines that the requested information is exempt under the FOIA;

(2) The information lawfully has been published or has been officially made available to the public;

(3) Disclosure of the information is required by statute (other than the FOIA) or by a regulation issued in accordance with the requirements of Executive Order 12600 of June 23, 1987; or

(4) The designation made by the submitter under paragraph (c) of this section appears obviously frivolous, except that, in such a case, the NEH will give the submitter written notice of any final decision to disclose the information within a reasonable number of days prior to a specified disclosure date.

(f) *Opportunity to object to disclosure.* (1) The NEH will specify a reasonable time period within which the submitter must respond to the notice described in paragraph (d)(2) of this section. If a submitter has any objection to disclosure, it must submit a detailed written statement to the NEH specifying all grounds for withholding any portion of the information under any exemption of the FOIA. If the submitter relies on Exemption 4 as a basis of nondisclosure, the submitter must explain why the information constitutes a trade secret, or commercial or financial information that is privileged or confidential.

(2) The NEH will consider a submitter who fails to respond with the time period specified on the notice to have no objection to disclosure of the information. The NEH will not consider information it receives from a submitter after the date of any disclosure decision. Any information provided by a submitter under this section may itself be subject to disclosure under the FOIA.

(g) *Notice of intent to disclose.* The NEH will consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose confidential commercial information. Whenever the NEH decides to disclose confidential commercial information over the objection of a submitter, the NEH will provide the submitter written notice, which will include:

(1) A statement of the reason(s) why each of the submitter's disclosure objections was not sustained;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date, which will be a reasonable time after the notice.

(h) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of confidential commercial information, the NEH will promptly notify the submitter.

(i) *Requester notification.* The NEH will notify the requester whenever the NEH provides the submitter with notice and an opportunity to object to disclosure; whenever the NEH notifies the submitter of its intent to disclose the requested information; and whenever a submitter files a lawsuit to prevent the disclosure of the information.

§ 1171.10 Administrative appeals.

(a) *Appeals of denials.* You may appeal a denial of your request for NEH records (except NEH OIG records) and/or FCAH records to The Deputy Chairman, National Endowment for the Humanities, 1100 Pennsylvania Ave. NW., Room 503, Washington, DC 20506. For a denial of your request for OIG records, you may appeal to The Inspector General, National Endowment for the Humanities, 1100 Pennsylvania Ave. NW., Room 419, Washington DC 20506. You must make your appeal in writing no later than ten (10) days following the date that you receive the letter denying your request (weekends and Federal holidays excluded). Your appeal letter must clearly identify the NEH decision that you are appealing and contain the assigned tracking number. You should clearly mark your appeal letter and envelope ''Freedom of Information Act Appeal.''

(b) *Responses to appeals.* The Deputy Chairman (or designee) or the Inspector General (or designee) will make a written determination on your appeal within twenty (20) days (weekends and Federal holidays excluded) after the agency receives your appeal. If the appeal decision affirms the denial of your request, the NEH will notify you in writing of the reason(s) for the decision, including the applicable FOIA exemption(s), and inform you of the FOIA provisions for court review of the decision. If the denial of your request is reversed or modified, in whole or in part, the NEH will reprocess your request in accordance with that appeal decision and notify you of that decision in writing.

(c) *When appeal is required.* If you wish to seek review by a court of any denial by the NEH, you must first submit a timely administrative appeal to the NEH.

§ 1171.11 Fees.

(a) *In general.* The NEH will assess fees for processing FOIA requests in accordance with this section and with the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget at 52 FR 10012 (Mar. 27, 1987). In order to resolve any fee issues that arise under this section, the NEH may

contact a requester for additional information. The NEH ordinarily will collect all applicable fees before sending copies of records to a requester. Requesters must pay fees by check or money order made payable to the Treasury of the United States.

(b) *Definitions.* For purposes of this section:

(1) *Commercial use request* means a request from or on behalf of a person who seeks information for a use or purpose that furthers his or her commercial, trade, or profit interest, which can include furthering those interests through litigation. When it appears that the requester will put the records to a commercial use, either because of the nature of the request itself or because the NEH has reasonable cause to doubt a requester's stated use, the NEH will provide the requester a reasonable opportunity to submit further clarification.

(2) *Direct costs* means those expenses that an agency actually incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits) and the cost of operating duplication machinery. Not included in direct costs are overhead expenses such as the costs of space and heating or lighting of the facility in which the records are kept.

(3) *Duplication* means the making of a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies can take the form of paper, microform, audiovisual materials, or electronic records among others.

(4) *Educational institution* means any school that operates a program of scholarly research. A requester in this category must show that the request is authorized by and made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought to further scholarly research.

(5) *Noncommercial scientific institution* means an institution that is not operated on a ''commercial'' basis, as defined in paragraph (b)(1) above, and that is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry. A requester in this category must show that the request is authorized by and made under the auspices of a qualifying institution and that the records are not sought for a commercial use or to promote any particular product or industry, but are sought to further scientific research.

(6) *Representative of the news media* means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news-media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only if such entities qualify as disseminators of ''news'') who make their products available for purchase or by subscription or by free distribution to the general public. The NEH will regard ''freelance'' journalists as working for a news-media organization if they demonstrate a solid basis for expecting publication though that organization. A publication contract would provide the clearest evidence, but the NEH will also consider a requester's past publication record in making this determination.

(7) *Review* means the process of examining a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. Review includes processing any record for disclosure, such as doing all that is necessary to redact it and prepare it for disclosure. It also includes time spent both obtaining and considering any formal objection to disclosure made by a confidential commercial information submitter under § 1171.9 of this part, but it does not include time spent resolving general legal or policy issues regarding the application of exemptions. Review costs are recoverable even if the NEH ultimately does not disclose a record.

(8) *Search* means the process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of information within records and the reasonable efforts expended to locate and retrieve information from electronic records. The NEH will ensure that searches are done in the most efficient and least expensive manner reasonably possible.

(c) *Fee Schedule.* In responding to FOIA requests, the NEH will charge the following fees for requests, subject to paragraphs (d), (e), and (f) of this section:

(1) *Search.* (i) The NEH will charge $4.00 for each quarter hour spent by clerical personnel in searching for and retrieving a requested record. When clerical personnel cannot perform the search and retrieval (e.g. identification of records within scope of request requires professional personnel), the NEH will charge $7.00 for each quarter hour of search time spent by professional personnel. Where the time of managerial personnel is required, the fee will be $10.00 for each quarter hour of time spent by those personnel. The NEH may charge for time spent searching even if it does not locate any responsive records or if it determines that the records are entirely exempt from disclosure.

(ii) For computer searches of records, the NEH will charge the actual direct cost of conducting the search. This includes the cost of operating the central processing unit for the portion of operating time that is directly attributed to searching for the records responsive to a FOIA request and the operator/programmer salary apportionable to the search.

(2) *Duplication.* The fee for a photocopy of a record on one-side of an 8½ x 11 inch sheet of paper is ten cents per page. For copies of records produced on tapes, disks, or other electronic media, the NEH will charge the direct costs of producing the copy, including operator time. For other forms of duplication, the NEH will charge the direct costs of that duplication. The NEH will honor a requester's preference for receiving a record in a particular form or format where it is readily reproducible by the NEH in the form or format requested.

(3) *Review.* The NEH will charge review fees to requesters who make a commercial use request. Review fees will be charged only for the initial record review (i.e., the review the NEH conducted to determine whether an exemption applies to a particular record or record portion at the initial request stage). No charge will be made for review at the administrative appeal stage for exemptions applied at the initial review stage. However, if the NEH re-reviews the records for the applicability of other exemptions that it did not previously consider, then the costs for the subsequent review are assessable. Review fees will be charged at the same rates as those charged for a search under paragraph (c)(1)(i). The NEH may charge for review even if it ultimately decides not to disclose a record.

(d) *Limitations on charging requesters.* (1) Except for requesters seeking records for commercial use, the NEH will provide without charge: (i) The first 100 pages of duplication (or the cost equivalent); and (ii) The first two hours of search (or the cost equivalent).

(2) When, after first deducting the 100 pages (or its cost equivalent) and the

first two hours of search, the total fee is $14.00 or less for any request, the NEH will not charge a fee.

(e) *Categories of requesters.* There are four categories of FOIA requesters: commercial use requesters; educational and non-commercial scientific institutions; representatives of the news media; and all other requesters. The NEH will assess fees for these categories of requesters as follows:

(1) *Commercial use requesters.* The NEH will charge the full direct costs for searching for, reviewing, and duplicating requested records.

(2) *Educational and non-commercial scientific institution requesters.* The NEH will charge for duplication only, excluding costs for the first 100 pages.

(3) *News media requesters.* The NEH will charge for duplication only, excluding costs for the first 100 pages.

(4) *All other requesters.* The NEH will charge requesters who do not fit into any of the categories above the full reasonable direct cost of searching for and reproducing records, excluding costs for the first 100 pages and the first two hours of search time.

(f) *Requirements for fee waivers or reduction of fees.*

(1) The NEH will furnish responsive records without charge or at a reduced charge if it determines, based on all available information, that the requester has demonstrated that:

(i) Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and

(ii) Disclosure of the information is not primarily in the commercial interest of the requester.

(2) To determine whether the first fee requirement is met, the NEH will consider the following factors:

(i) The subject of the requested records must concern identifiable operations or activities of the Federal government, with a connection that is direct and clear, not remote or attenuated.

(ii) The disclosable portions of the requested records must be meaningfully informative about government operations or activities in order to be ''likely to contribute'' to an increased public understanding of those operations or activities. Disclosure of information already in the public domain, in either duplicative or substantially identical form, is unlikely to contribute to such understanding where nothing new would be added to the public's understanding.

(iii) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as his or her ability and intention to effectively convey information to the public will be considered. It will ordinarily be presumed that a representative of the news media satisfies this consideration.

(iv) The public's understanding of the subject in question must be enhanced by the disclosure to a significant extent. The NEH will make no value judgments about whether the information at issue is ''important'' enough to be made public.

(3) To determine whether the second fee waiver requirement is met, the NEH will consider the following factors:

(i) The NEH will identify any commercial interest of the requester, as defined in paragraph (b)(1) of this section, that would be furthered by the requested disclosure. Requesters will be given an opportunity to provide explanatory information regarding this consideration.

(ii) A fee waiver or reduction is justified where the public interest is greater than any identified commercial interest in disclosure.

(4) Where only some of the requested records satisfy the requirements for a fee waiver, a waiver will be granted for those records.

(5) Requesters should make fee waiver or reduction requests when they first submit a FOIA request to the NEH. Fee waiver or reduction requests should address the factors listed in (f)(2) and (3) above. Fee waiver or reduction requests may be submitted at a later time so long as the underlying record request is pending or on administrative appeal.

(g) *Notice of anticipated fees in excess of $25.00.* (1) When the NEH determines or estimates that the fees to be charged under this section will exceed $25.00, it will notify the requester of the actual or estimated fees, unless the requester has indicated a willingness to pay fees as high as those anticipated. If the NEH can only readily estimate a portion of the fees, it will advise the requester that the estimated fee may be only a portion of the total fee.

(2) The notice will offer the requester an opportunity to confer with NEH personnel in order to reformulate the request to meet the requester's needs at a lower cost. A commitment by the requester to pay the anticipated fee must be in writing and must be received by the NEH within thirty (30) calendar days from the date of notification of the fee estimate. Until the requester agrees to pay the anticipated fee, the NEH will not consider the request as received by the agency and no further work will be done on the request. If a requester fails to respond within this timeframe, the NEH will administratively close the request.

(h) *Charges for other services.* When the NEH chooses, in its sole discretion, to provide a requested special service (e.g. certifying that records are true copies or sending them by other than ordinary mail), it will charge the direct costs of providing the service to the requester.

(i) *Charging interest.* The NEH may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. The NEH will assess interest charges at the rate provided in 31 U.S.C. 3717 and such charges will accrue from the billing date until the NEH receives payment from the requester. The NEH will follow the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(j) *Advance payment.* (1) For requests other than those described in paragraphs (j)(2) and (3) of this section, the NEH will not require the requester to make an advance payment before it commences or continues work on a request. Payment owed for work already completed (i.e., payment before copies are sent to a requester) is not an advance payment.

(2) When the NEH determines or estimates that a total fee to be charged under this section will be more than $250.00, it may require the requester to make an advance payment of an amount up to the amount of the entire anticipated fee before beginning to process the request, except where it receives a satisfactory assurance of full payment from a requester that has a history of prompt payment.

(3) When a requester has previously failed to pay a properly charged fee to the NEH within thirty (30) days of the billing date, the NEH may require the requester to pay the full amount due, plus any applicable interest, and to make an advance payment of the full amount of any anticipated fee, before the NEH begins to process a new request or continues to process a pending request from that requester.

(4) When there is an advance payment request, the NEH will not consider the request as received by the agency and no further work will be done on the request until the required payment is received. If the requester fails to respond within thirty (30) calendar days after the date of the advance payment

request, the NEH will administratively close the request.

(k) *Aggregating requests.* When the NEH reasonably believes that a requester or a group of requesters acting together is attempting to divide a request into a series of requests for the purpose of avoiding fees, the NEH may aggregate those requests and charge accordingly. The NEH may presume that multiple requests of this type made within a 30-day period have been made in order to avoid fees. For requests separated by a longer period, the NEH will aggregate them only when there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. The NEH will not aggregate multiple requests involving unrelated matters.

§ 1171.12 Other Rights and Services.

Nothing in this part will be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA.

Michael P. McDonald,

General Counsel.

[FR Doc. 2013–01746 Filed 2–8–13; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 130123063–3063–01]

RIN 0648–BC75

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes to approve and implement changes to the Pacific Halibut Catch Sharing Plan (Plan) for the International Pacific Halibut Commission's (IPHC or Commission) regulatory area off Washington, Oregon, and California (Area 2A). NMFS proposes to implement the portions of the Plan and management measures that are not implemented through the IPHC. These measures include the sport fishery allocations and management measures for Area 2A. These actions are intended to enhance the conservation of Pacific halibut, provide greater angler opportunity where available, and protect overfished groundfish species from being incidentally caught in the halibut fisheries.

DATES: Comments on the proposed changes to the Plan and on the proposed domestic Area 2A halibut management measures must be received on February 26, 2013.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2013–0015, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0015,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to William Stelle, Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070.
- *Fax:* 206–526–6736; Attn: Sarah Williams.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Sarah Williams, phone: 206–526–4646, fax: 206–526–6736, or email: *sarah.williams@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This rule is accessible via the Internet at the Office of the Federal Register Web site at *http://www.access.gpo.gov/su_docs/aces/aces140.html.* Background information and documents are available at the NMFS Northwest Region Web site at *http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/index.cfm* and at the Council's Web site at *http://www.pcouncil.org.*

Background

The Northern Pacific Halibut Act (Halibut Act) of 1982, 16 U.S.C. 773–773K, gives the Secretary of Commerce (Secretary) general responsibility for implementing the provisions of the Halibut Convention between the United States and Canada (Halibut Convention) (16 U.S.C. 773c). It requires the Secretary to adopt regulations as may be necessary to carry out the purposes and objectives of the Halibut Convention and the Halibut Act. Section 773c of the Halibut Act also authorizes the regional fishery management councils to develop regulations in addition to, but not in conflict with, regulations of the IPHC to govern the Pacific halibut catch in their corresponding U.S. Convention waters. Each year between 1988 and 1995, the Pacific Fishery Management Council (Council) developed a catch sharing plan in accordance with the Halibut Act to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-treaty harvesters and among non-treaty commercial and sport fisheries in Area 2A.

In 1995, NMFS implemented the long-term Plan recommended by the Pacific Council (60 FR 14651, March 20, 1995, as amended by 61 FR 35548). In each of the intervening years between 1995 and the present, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries, in accordance with 50 CFR 300.62. These revisions are not codified. The Plan allocates 35 percent of the Area 2A Pacific halibut TAC to Washington treaty Indian tribes in Subarea 2A–1, and 65 percent of the Area 2A TAC to non-tribal fisheries.

The TAC allocation to non-tribal fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial fishery is further divided into a directed commercial fishery that is allocated 85 percent of the commercial allocation of Pacific halibut TAC, and an incidental catch in the salmon troll fishery that is allocated 15 percent of the commercial allocation. The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53.30′ N. lat.), Oregon, and California. North of 46°53.30′ N. lat. (Pt. Chehalis), the Plan allows for incidental halibut retention in the sablefish primary fishery when the overall Area 2A TAC is above 900,000 lb (408.2 mt). The Plan also divides the sport fisheries into six geographic subareas, each with separate allocations, seasons, and bag limits.

This proposed rule describes catch limit information presented at the

IPHC's annual meeting which occurred January 21–25, 2013, in Victoria, BC. The IPHC has set the 2013 Area 2A TAC at 990,000 pounds.

Incidental Halibut Retention in the Sablefish Primary Fishery North of Pt. Chehalis, WA

The Plan provides that incidental halibut retention in the sablefish primary fishery north of Pt. Chehalis, Washington, will be allowed when the Area 2A TAC is greater than 900,000 lb (408.2 mt), provided that a minimum of 10,000 lb (4.5 mt) is available above a Washington recreational TAC of 214,100 lb (97.1 mt). In 2013, the TAC is 990,000 lb (449 mt); therefore incidental halibut retention will be allowed in this fishery. The Council will recommend landing restrictions for public review at its March 2013 meeting and make final recommendations at its April 2013 meeting. Following this meeting NMFS will publish the restrictions in the **Federal Register**.

Through this proposed rule, NMFS requests public comments on the Pacific Council's recommended modifications to the Plan and the resulting proposed domestic fishing regulations by February 26, 2013. The States of Washington and Oregon will conduct public workshops shortly to obtain input on the sport season dates. Following the proposed rule comment period NMFS will review public comments and comments from the states, and issue a final rule for Areas 2A, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E. This final rule will also contain the IPHC regulations for the 2013 Pacific halibut fisheries. This proposed rule provides for a 15-day public comment period, which will allow NMFS time to incorporate the final U.S. domestic regulations into the IPHC regulations in order to have the combined regulations in place as close to March 1 as possible. The regulations need to be in effect in early March because the fishing season begins in mid-March. The 2013 commercial season starting date(s) need to be published soon after the IPHC meeting in January 2013 to notify the public of that date so the industry can plan for the season.

Publishing the IPHC regulations in the same **Federal Register** notice with the final domestic regulations for Washington, Oregon, and California is in the best interest of the public because it results in the occurrence of all the halibut regulations in one **Federal Register** notice. Therefore fishery participants only have to reference one document for all Pacific halibut regulations applicable to the Area 2A fishery; both the IPHC regulations and domestic regulations. Combining these regulations also eliminates errors that may occur from trying to separate the halibut regulations into two different rules.

Proposed Changes to the Plan

Each year, the Washington Department of Fish and Wildlife (WDFW), Oregon Department of Fish and Wildlife (ODFW), California Department of Fish and Game (CDFG), and the tribes with treaty fishing rights for halibut consider whether changes to the Plan are needed or desired by their fishery participants. In 2012, fishery managers from WDFW and ODFW held public meetings before both the September and November Pacific Council meetings to get public input on revisions to the Plan. At the September 2012 Pacific Council meeting, WDFW, ODFW, and CDFG recommended changes to the Plan, while NMFS and the tribes did not recommend any changes to the Plan for the 2013 fishing season. Following the meeting, WDFW and ODFW again reviewed their proposals with the public and drafted their recommended revisions for review and recommendation by the Pacific Council.

At its November 2–7, 2012, meeting the Pacific Council considered the results of state-sponsored workshops on the proposed changes to the Plan, and made its final recommendations for modifications to the Plan. The following are the Council's proposed changes to the Plan:

1. In the Plan, sections (e)(1) and (e)(1)(iii), incidental halibut catch in the salmon troll fishery, adjust the months for the incidental take fishery from May-June to April-June. The goal of this change is to allow salmon fishers access to the incidental halibut allocation earlier in the year.

2. In the Plan, section (f)(1)(iv) Columbia River subarea, adjust the spring season schedule from Thursday-Saturdays to Fridays-Sundays and replace the automatic regulatory closure for the spring fishery with a closure that would occur upon reaching 80 percent of the subarea allocation. The goal of the days of the week change is to allow better access to the spring fishery and to make the spring and summer season open days consistent. The goal of removing the regulatory closure is to allow the spring fishery to stay open longer in the spring, when effort is generally higher. The summer season has often underutilized the allocation, therefore allowing the spring fishery to stay open longer is designed to better utilize the allocation for the whole subarea. Since 2008 the summer fishery has harvested less than 20 percent of the subarea quota even though the allocation was 30 percent, leaving a portion of the allocation unharvested that could be harvested in the spring since the summer fishery occurs after the spring fishery.

3. In the Plan, section (f)(1)(v), Oregon Central Coast subarea, several changes are proposed. This subarea consists of three fisheries, nearshore, spring and, summer. Changes are proposed to all three fisheries. The goal is to better align the allocations for the nearshore and spring fisheries with recent increasing effort. The proposed modifications to each fishery's allocation changes the allocations from fixed percentages to percentages that depend on the 2A TAC. This change is proposed to maximize the number of days the entire subarea can be open. The effort in the nearshore fishery has increased in recent years, requiring the fishery to close early. Eliminating the summer fishery and increasing the nearshore and spring allocations will allow more fishing days overall. The elimination of the summer fishery when the Area 2A TAC is below 700,000 lbs is necessary because if the TAC is at that level, the resulting summer fishery allocation is not enough to allow one day of fishing.

a. For the nearshore fishery, adjust the open days from daily to 3 days per week Thursday –Saturday and adjust the allocation to this fishery from 12 percent of the subarea quota to 12 percent of the subarea quota if the 2A TAC is above 700,000 lbs or greater and 25 percent of the subarea quota if the 2A TAC is less than 700,000 lbs.

b. For the spring fishery, adjust the allocation from 63 percent of the subarea allocation to 63 percent of the subarea quota if the 2A TAC is above 700,000 lbs or greater and 75 percent of the subarea quota if the 2A TAC is less than 700,000 lbs. Also, adjust the closure date for this fishery if the TAC is less than 700,000 lbs from July 31st to October 31st or attainment of the fishery allocation.

c. For the summer fishery, adjust the allocation from 25 percent of the subarea allocation to 25 percent of the subarea quota if the 2A TAC is above 700,000 lbs or greater and 0 percent of the subarea quota if the 2A TAC is less than 700,000 lbs. This closes the summer fishery if the TAC is less than 700,000 lbs.

NMFS proposes to approve the Pacific Council recommendations and to implement the changes described above. A version of the Plan including these changes can be found at *http://www.nwr.noaa.gov/Groundfish-Halibut/Pacific-Halibut/Index.cfm.*

Proposed 2013 Sport Fishery Management Measures

In this rulemaking, NMFS also proposes sport fishery management measures that are necessary to implement the Plan in 2013. The annual domestic management measures are published each year through a final rule in combination with the IPHC regulations, as discussed above. For the 2012 fishing season the final rule was published on March 22, 2012 (77 FR 16740), and the following section numbers refer to sections within that final rule. The final 2013 TAC for Area 2A has been determined by the IPHC in the amount of 990,000 lbsWhere season dates are not indicated, those dates will be provided in the final rule, following consideration of the 2013 TAC and consultation with the states and the public.

In Section 8 of the annual domestic management measures, ''Fishing Periods,'' paragraphs (2) and (3) are proposed to read as follows and paragraph (6) is added to read as follows:

(1) * * *

(2) Each fishing period in the Area 2A directed fishery shall begin at 0800 hours and terminate at 1800 hours local time on (*insert season dates)* unless the Commission specifies otherwise.

(3) Notwithstanding paragraph (2), and paragraph (7) of section 11, an incidental catch fishery is authorized during salmon troll seasons in Area 2A in accordance with regulations promulgated by NMFS. This fishery will occur between 1200 hours local time on (insert date) and 1200 hours local time on (insert season date).

(4) * * *

(5) * * *

(6) Notwithstanding paragraph (7) of section 11, an incidental catch fishery is authorized during the sablefish primary fishery in Area 2A in accordance with regulations promulgated by NMFS.

In section 26 of the annual domestic management measures, ''Sport Fishing for Halibut,'' paragraph 1(a)–(b) will be updated with 2012 total allowable catch limits in the final rule. In section 26 of the annual domestic management measures, ''Sport Fishing for Halibut'' paragraph (8) is proposed to read as follows:

(8) * * *

(a) The area in Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line extending from 48°17.30′ N. lat., 124°23.70′ W. long. north to 48°24.10′ N. lat., 124°23.70′ W. long., is not managed in-season relative to its quota. This area is managed by setting a season that is projected to result in a catch of 57,393 lbs (26 mt).

(i) The fishing season in eastern Puget Sound (east of 123°49.50′ W. long., Low Point) is (*insert season dates),* and the fishing season in western Puget Sound (west of 123°49.50′ W. long., Low Point) is (*insert season dates),* 5 days a week (Thursday through Monday).

(ii) The daily bag limit is one halibut of any size per day per person.

(b) The quota for landings into ports in the area off the north Washington coast, west of the line described in paragraph (2)(a) of section 26 and north of the Queets River (47°31.70′ N. lat.), is (See Table 1 for range).

(i) The fishing seasons are:

(A) Commencing on May 9 and continuing 2 days a week (Thursday and Saturday) until 108,030 lbs (49 mt) are estimated to have been taken and the season is closed by the Commission or until May 25.

(B) If sufficient quota remains the fishery will reopen on June 6 in the entire north coast subarea, continuing 2 days per week (Thursday and Saturday) until there is not sufficient quota for another full day of fishing and the area is closed by the Commission. When there is insufficient quota remaining to reopen the entire north coast subarea for another day, then the nearshore areas described below will reopen for 2 days per week (Thursday and Saturday), until the overall quota of 108,030 lbs (49 mt) is estimated to have been taken and the area is closed by the Commission, or until September 30, whichever is earlier. After May 25, any fishery opening will be announced on the NMFS hotline at 800–662–9825. No halibut fishing will be allowed after May 25 unless the date is announced on the NMFS hotline. The nearshore areas for Washington's North Coast fishery are defined as follows:

(*1*) WDFW Marine Catch Area 4B, which is all waters west of the Sekiu River mouth, as defined by a line extending from 48°17.30′ N. lat., 124°23.70′ W. long. north to 48°24.10′ N. lat., 124°23.70′ W. long., to the Bonilla-Tatoosh line, as defined by a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia (at 48°35.73′ N. lat., 124°43.00′ W. long.) south of the International Boundary between the U.S. and Canada (at 48°29.62′ N. lat., 124°43.55′ W. long.), and north of the point where that line intersects with the boundary of the U.S. territorial sea.

(*2*) Shoreward of the recreational halibut 30-fm boundary line, a modified line approximating the 30-fm depth contour from the Bonilla-Tatoosh line south to the Queets River. The 30-fm depth contour is defined in groundfish regulations at 50 CFR 660.71(e).

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Recreational fishing for groundfish and halibut is prohibited within the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA). It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the North Coast Recreational YRCA. A vessel fishing in the North Coast Recreational YRCA may not be in possession of any halibut. Recreational vessels may transit through the North Coast Recreational YRCA with or without halibut on board. The North Coast Recreational YRCA is a C-shaped area off the northern Washington coast intended to protect yelloweye rockfish. The North Coast Recreational YRCA is defined in groundfish regulations at § 660.70(a).

(c) The quota for landings into ports in the area between the Queets River, WA (47°31.70′ N. lat.) and Leadbetter Point, WA (46°38.17′ N. lat.), is 42,739 lbs (19.3 mt).

(i) This subarea is divided between the all-waters fishery (the Washington South coast primary fishery), and the incidental nearshore fishery in the area from 47°31.70′ N. lat. south to 46°58.00′ N. lat. and east of a boundary line approximating the 30 fm depth contour. This area is defined by straight lines connecting all of the following points in the order stated as described by the following coordinates (the Washington South coast, northern nearshore area):

(1) 47°31.70′ N. lat, 124°37.03′ W. long;

(2) 47°25.67′ N. lat, 124°34.79′ W. long;

(3) 47°12.82′ N. lat, 124°29.12′ W. long;

(4) 46°58.00′ N. lat, 124°24.24′ W. long.

The south coast subarea quota will be allocated as follows: 40,739 lbs (18.4 mt) for the primary fishery and 2,000 lb (0.9 mt) for the nearshore fishery. The primary fishery commences on May 5 and continues 2 days a week (Sunday and Tuesday) until May 21. If the primary quota is projected to be obtained sooner than expected the management closure may occur earlier. Beginning on June 2 the primary fishery will be open 2 days per week (Sunday and/or Tuesday) until the quota for the south coast subarea primary fishery is taken and the season is closed by the Commission, or until September 30, whichever is earlier. The fishing season in the nearshore area commences on May 5 and continues seven days per week. Subsequent to closure of the

primary fishery the nearshore fishery is open seven days per week, until 42,739 lbs (19.3 mt) is projected to be taken by the two fisheries combined and the fishery is closed by the Commission or September 30, whichever is earlier. If the fishery is closed prior to September 30, and there is insufficient quota remaining to reopen the northern nearshore area for another fishing day, then any remaining quota may be transferred in-season to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Seaward of the boundary line approximating the 30-fm depth contour and during days open to the primary fishery, lingcod may be taken, retained and possessed when allowed by groundfish regulations at 50 CFR 660.360, Subpart G.

(iv) Recreational fishing for groundfish and halibut is prohibited within the South Coast Recreational YRCA and Westport Offshore YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the South Coast Recreational YRCA and Westport Offshore YRCA. A vessel fishing in the South Coast Recreational YRCA and/or Westport Offshore YRCA may not be in possession of any halibut. Recreational vessels may transit through the South Coast Recreational YRCA and Westport Offshore YRCA with or without halibut on board. The South Coast Recreational YRCA and Westport Offshore YRCA are areas off the southern Washington coast established to protect yelloweye rockfish. The South Coast Recreational YRCA is defined at 50 CFR 660.70(d). The Westport Offshore YRCA is defined at 50 CFR 660.70(e).

(d) The quota for landings into ports in the area between Leadbetter Point, WA (46°38.17′ N. lat.) and Cape Falcon, OR (45°46.00′ N. lat.), is 11,895 lbs (5.39 mt).

(i) The fishing season commences on May 3, and continues 3 days a week (Friday through Sunday) until 9,516 lbs (4.3 mt) are estimated to have been taken and the season is closed by the Commission or until 11,895 lbs (5.39 mt) has been taken and the season is closed by the Commission, or until September 30, whichever is earlier. Subsequent to this closure, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred in-season to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining quota would be transferred to each state in proportion to its contribution.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Pacific Coast groundfish may not be taken and retained, possessed or landed, except sablefish and Pacific cod when allowed by Pacific Coast groundfish regulations, when halibut are on board the vessel.

(e) The quota for landings into ports in the area off Oregon between Cape Falcon (45°46.00′ N. lat.) and Humbug Mountain (42°40.50′ N. lat.), is 191,979 lbs (87.8 mt).

(i) The fishing seasons are:

(A) The first season (the ''inside 40-fm'' fishery) commences May 2 and continues 3 days a week (Thursday through Saturday) through October 31, in the area shoreward of a boundary line approximating the 40-fm (73-m) depth contour, or until the sub-quota for the central Oregon ''inside 40-fm'' fishery 23,038 lbs (10.4 mt) or any in-season revised subquota is estimated to have been taken and the season is closed by the Commission, whichever is earlier. The boundary line approximating the 40-fm (73-m) depth contour between 45°46.00′ N. lat. and 42°40.50′ N. lat. is defined at § 660.71(k).

(B) The second season (spring season), which is for the ''all-depth'' fishery, is open from May 9, 2013, to (*insert dates*). The projected catch for this season is 120,947 lbs (54.8 mt). If sufficient unharvested catch remains for additional fishing days, the season will re-open. Depending on the amount of unharvested catch available, the potential season re-opening dates will be: (*insert dates no later than July 31*). If NMFS decides in-season to allow fishing on any of these re-opening dates, notice of the re-opening will be announced on the NMFS hotline (206) 526–6667 or (800) 662–9825. No halibut fishing will be allowed on the re-opening dates unless the date is announced on the NMFS hotline.

(C) If sufficient unharvested catch remains, the third season (summer season), which is for the ''all-depth'' fishery, will be open from August 2, 2013 to (*insert dates*) or until the combined spring season and summer season quotas in the area between Cape Falcon and Humbug Mountain, OR, totaling 191,979 lbs (87.8 mt), are estimated to have been taken and the area is closed by the Commission, or October 31, whichever is earlier. NMFS will announce on the NMFS hotline in July whether the fishery will re-open for the summer season in August. No halibut fishing will be allowed in the summer season fishery unless the dates are announced on the NMFS hotline. Additional fishing days may be opened if sufficient quota remains after the last day of the first scheduled open period (*insert date following establishment of season dates).* If, after this date, an amount greater than or equal to 60,000 lb (27.2 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, the fishery may re-open every Friday and Saturday, beginning (*insert dates of next possible open period as established preseason),* and ending October 31. If after September 2, an amount greater than or equal to 30,000 lb (13.6 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, and the fishery is not already open every Friday and Saturday, the fishery may re-open every Friday and Saturday, beginning September 6 and 7, and ending October 31. After September 2, the bag limit may be increased to two fish of any size per person, per day. NMFS will announce on the NMFS hotline whether the summer all-depth fishery will be open on such additional fishing days, what days the fishery will be open and what the bag limit is.

(ii) The daily bag limit is one halibut of any size per day per person, unless otherwise specified. NMFS will announce on the NMFS hotline any bag limit changes.

(iii) During days open to all-depth halibut fishing, no Pacific Coast groundfish may be taken and retained, possessed or landed, except sablefish and Pacific cod, when allowed by Pacific Coast groundfish regulations, if halibut are on board the vessel.

(iv) When the all-depth halibut fishery is closed and halibut fishing is permitted only shoreward of a boundary line approximating the 40-fm (73-m) depth contour, halibut possession and retention by vessels operating seaward of a boundary line approximating the 40-fm (73-m) depth contour is prohibited.

(v) Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the Stonewall Bank YRCA. A vessel fishing in the Stonewall Bank YRCA may not possess any halibut. Recreational vessels may transit through the Stonewall Bank YRCA with or without halibut on board. The Stonewall Bank YRCA is an area off central Oregon, near Stonewall Bank, intended to protect yelloweye rockfish. The Stonewall Bank YRCA is defined at § 660.70(f).

(f) The area south of Humbug Mountain, Oregon (42°40.50' N. lat.) and off the California coast is not managed

in-season relative to its quota. This area is managed on a season that is projected to result in a catch of 6,063 lbs (2.75 mt).

(i) The fishing season will commence on May 1 and continue 7 days a week until October 31.

(ii) The daily bag limit is one halibut of any size per day per person.

Classification

Regulations governing the U.S. fisheries for Pacific halibut are developed by the IPHC, the Pacific Fishery Management Council, the North Pacific Fishery Management Council (Council), and the Secretary of Commerce. Section 5 of the Northern Pacific Halibut Act of 1982 (Halibut Act, 16 U.S.C. 773c) provides the Secretary of Commerce with the general responsibility to carry out the Convention between Canada and the United States for the management of Pacific halibut, including the authority to adopt regulations as may be necessary to carry out the purposes and objectives of the Convention and Halibut Act. This proposed rule is consistent with the Secretary of Commerce's authority under the Halibut Act.

This action has been determined to be not significant for purposes of Executive Order 12866.

NMFS has prepared an RIR/IRFA on the proposed changes to the Plan and the annual domestic Area 2A halibut management measures. Copies of these documents are available from NMFS (see **ADDRESSES**). NMFS prepared an IRFA that describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. The IRFA is available from NMFS (see **ADDRESSES**). A summary of the IRFA follows:

A fish-harvesting business is considered a ''small'' business by the Small Business Administration (SBA) if it has annual receipts not in excess of $4.0 million. For related fish-processing businesses, a small business is one that employs 500 or fewer persons. For wholesale businesses, a small business is one that employs not more than 100 people. For marinas and charter/party boats, a small business is one with annual receipts not in excess of $6.5 million. All of the businesses that would be affected by this action are considered small businesses under Small Business Administration guidance.

In 2012, 604 vessels were issued IPHC licenses to retain halibut. IPHC issues licenses for: the directed commercial fishery in Area 2A (147 licenses in 2012); incidental halibut caught in the salmon troll fishery (316 licenses in 2012); and the charterboat fleet (141 licenses in 2012). No vessel may participate in more than one of these three fisheries per year. However, only 227 of the commercial licensed vessels landed halibut in 2012 according to PacFIN. A similar situation may occur for charterboat vessels. The number of charter boats in Northern California, Oregon, and Washington that were involved in groundfish trips including halibut during 2010 was 161. Of these, 89 vessels fished in either the Columbia River or Central Oregon fisheries. This suggests that 60 percent of the IPHC charterboat license holders may be affected by these regulations.

The IRFA analyzed the impacts of the changes to the Plan and regulations. The following are the Council's proposed changes to the Plan::

1. In the Plan, sections (e)(1)and (e)(1)(iii), incidental halibut catch in the salmon troll fishery, adjust the months for the incidental take fishery from May-June to April-June. The goals of these changes are to allow salmon fishers access to the incidental halibut allocation earlier in the year.

2. In the Plan, section (f)(1)(iv) Columbia River subarea, adjust the spring season schedule from Thursday-Saturdays to Fridays-Sundays and remove the automatic regulatory closure for the spring fishery. The goal of the days of the week change is to allow better access to the spring fishery and to make the spring and summer season open days consistent. The goal of removing the regulatory closure is to allow the spring fishery to stay open longer when effort is higher. The summer season has often underutilized the allocation, therefore allowing the spring fishery to stay open longer is designed to better utilize the allocation for the whole subarea. Since 2008 the summer fishery has harvested less than 20 percent of the subarea quota even though the allocation was 30 percent, leaving a portion of the allocation unharvested that could be harvested in the spring since the summer fishery occurs after the spring fishery.

3. In the Plan, section (f)(1)(v), Oregon Central Coast subarea, several changes are proposed. This subarea consists of three fisheries, nearshore, spring and, summer. Changes are proposed to all three fisheries. The goal is to better align the allocations for the nearshore and spring fisheries with recent increasing effort. The proposed changes to each fisheries allocation changes the allocations from fixed percentages to amounts based on the 2A TAC. This change is proposed to maximize the number of days the entire subarea can be open. The effort in the nearshore fishery has increased in recent years requiring the fishery to close early. Therefore eliminating the summer fishery and increasing the nearshore and spring allocations will allow more fishing days overall. The elimination of the summer fishery below 700,000 lbs is necessary because if the 2A TAC is at that level the resulting summer fishery allocation is not enough to allow one day of fishing.

a. For the nearshore fishery, adjust the open days from daily to 3 days per week Thursday–Saturday and adjust the allocation to this fishery from 12 percent of the subarea quota to 12 percent of the subarea quota if the 2A TAC is above 700,000 lbs or greater and 25 percent of the subarea quota if the 2A TAC is less than 700,000 lbs.

b. For the spring fishery, adjust the allocation from 63 percent of the subarea allocation to 63 percent of the subarea quota if the 2A TAC is above 700,000 lbs or greater and 75 percent of the subarea quota if the 2A TAC is less than 700,000 lbs. Also, adjust the closure date for this fishery if the TAC is less than 700,000 lbs from July 31st to October 31st or attainment of the fishery allocation.

c. For the summer fishery, adjust the allocation from 25 percent of the subarea allocation to 25 percent of the subarea quota if the 2A TAC is above 700,000 lbs or greater and 0 percent of the subarea quota if the 2A TAC is less than 700,000 lbs. This closes the summer fishery if the TAC is less than 700,000 lbs.

As mentioned in the preamble, WDFW and ODFW held public meetings and crafted alternative changes to the Plan to adjust management of the sport halibut fisheries in their states to maximize angler participation given the TAC. The states then narrowed the alternatives under consideration and brought the resulting subset of alternatives to the Council at the Council's September and November 2012 meetings. The range of alternatives that were rejected includes alternate fishery structures, such as opening the sport fisheries on different days of the week than the final preferred alternative. Generally, by the time the alternatives reach the Council, because they have been through the state public review process, there is not a large number of alternatives. Rather, the range of alternatives has generally been reduced to the proposed action and the

status quo. However, the Council and the States still considered a range of alternatives that could have similarly improved angler enjoyment of participation in the fisheries while simultaneously protecting halibut and co-occurring groundfish species from overharvest. In 2010, 202 non-trawl vessels landed 1.6 million lbs of Pacific halibut and earned $6.5 million in ex-vessel revenues from prices that averaged just over $4.00 per pound. In 2011, the non-tribal commercial fleet (excluding trawlers), landed about 1.1 million lbs, earning $6.0 million in ex-vessel revenues, from prices that averaged $5.30 per pound. Preliminary data, complete through November of 2012, shows 234 vessels landing 1.0 million lbs, earning $5.0 million in ex-vessel revenues, and an average price of $4.70 per pound. Total ex-vessel revenues including tribal revenues were $7.8 million in 2010, $8.0 million in 2011, and through November 2012, $7.0 million.

The Pacific Fishery Management Council analyzed 2006–2010 recreational activity. (See discussion under 3.2.1.4 Recreational Fisheries-Final Environmental Impact Statement (FEIS) for Proposed Harvest Specifications and Management Measures for the 2013–2014 Pacific Coast Groundfish Fishery and Amendment 21–2 to the Pacific Coast Fishery Management Plan). The data that underlie the Council's analysis indicates that the years, the total number of directed charter and private halibut trips has ranged from 19,000 (2009) to 26,000 trips (2007 & 2008). (This data are trips are based on recreational activity from Northern California to the Canadian border.) Anglers also take halibut in conjunction with salmon and bottomfish recreational trips. Over the 2006–2010 period, the total number of directed and private recreational trips including directed halibut trips has ranged from 216,000 trips (2008) to 354,000 trips (2009). Over these years, directed halibut trips had averaged about 8% of all trips, but have been as high as 12% in 2008 when there was a significant decline in salmon trips. In 2010, charterboat vessels undertook about 5500 directed halibut trips. The highest charterboat rate found on the internet was $285 per angler trip. Using this rate suggests that charterboat halibut rate revenues were on the order of $1.6 million. This estimate does not include revenues associated with halibut caught in conjunction with salmon, bottomfish, or other recreational trips.

The FEIS provides information to project amount of economic impact generated from halibut fisheries. Estimates of groundfish revenues and recreational trips can be related to personal income projections. Based these relationships, $8 million in halibut ex-vessel revenues and 26,000 in recreational trips lead to an estimate of $14 million in personal income. Personal income is considered a key indicator of economic activity, and is used in economic analysis to evaluate distributional effects on local and regional economies associated with changes in regulations. Income impacts include the amount of employee salaries and benefits, business owner (proprietor) income, and property-related income (rents, dividends, interest, royalties, etc.) that result from commercial fishing and recreational expenditures. The proposed changes to the Plan and regulations do not include any reporting or recordkeeping requirements. These changes will not duplicate, overlap or conflict with other laws or regulations. These changes to the Plan and annual domestic Area 2A halibut management measures are not expected to meet any of the RFA tests of having a ''significant'' economic impact on a ''substantial number'' of small entities because the changes will not affect overall allocations. They are designed to provide the best fishing opportunities within the overall TAC. The major effect of halibut management on small entities will be from the internationally set TAC decisions made by IPHC. Based on the recommendations of the states, the Council and NMFS propose minor changes to the Plan to provide increased recreational and commercial opportunities under the allocations that result from the TAC. There are no large entities involved in the halibut fisheries; therefore, none of these changes will have a disproportionate negative effect on small entities versus large entities. Based on the economic dimensions of the fishery, these minor proposed changes to the Plan are not expected to have a significant economic impact on a substantial number of small entities. Nonetheless, NMFS has prepared an IRFA. Because the goal of the proposed action is to maximize angler participation, and thus to maximize the economic benefits of the fishery, and the action is not expected to have a significant economic impact, NMFS did not analyze alternatives other than the proposed changes and the status quo for purposes of the IRFA. Through this proposed rule, NMFS requests comments on this conclusion.

Pursuant to Executive Order 13175, the Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Section 302(b)(5) of the Magnuson-Stevens Fishery Conservation and Management Act establishes a seat on the Pacific Council for a representative of an Indian tribe with federally recognized fishing rights from California, Oregon, Washington, or Idaho.

The U.S. Government formally recognizes that 13 Washington Tribes have treaty rights to fish for Pacific halibut. In general terms, the quantification of those rights is 50 percent of the harvestable surplus of Pacific halibut available in the tribes' usual and accustomed (U and A) fishing areas. Under the Plan, the tribal fishery is allocated a percentage of the Area 2A TAC. Tribal fishing areas for purposes of the halibut fishery are described at 50 CFR 300.64. Each of the treaty tribes has the discretion to administer their fisheries and to establish their own policies to achieve program objectives. Accordingly, tribal allocations and regulations, including the proposed changes to the Plan, have been developed in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

NMFS NWR initiated consultation on the halibut fishery under Section 7 of the Endangered Species Act (ESA) following the listing of yelloweye, canary, and bocaccio rockfish of the Puget Sound/Georgia Basin. Area 2A partially overlaps with the Distinct Population Segments (DPSs) for listed rockfish. At this time the consultation is not completed. NMFS has prepared a 7(a)(2)/7(d) determination memo under the (ESA) finding that bycatch in the 2013 fishery is not likely to result in a significant impact on listed species, that direct effects of the fishery (e.g. direct takes) are not likely to jeopardize the continued existence of any listed species, and that in no way will the 2013 fishery make an irreversible or irretrievable commitment of resources by the agency.

Authority: 16 U.S.C. 773 *et seq.*

Dated: February 4, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2013–02978 Filed 2–8–13; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 78, No. 28

Monday, February 11, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 6, 2013.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 13, 2013 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: National Animal Health Reporting System (NAHRS).

OMB Control Number: 0579–0299.

Summary of Collection: The National Animal Health Reporting System (NAHRS) was developed through a cooperative effort between the United States Animal Health Association, the American Association of Veterinary Laboratory Diagnosticians, and the Animal and Plant Health Inspection Service (APHIS). NAHRS provides an ongoing national measure of the health status of the nation's livestock. The National Center for Animal Health Surveillance involvement in this voluntary monitoring activity is to facilitate standardization collection of this information throughout the United States and provide a central point for collating data provided by States into a single National report. The evolving international trade arena and increased competition have heightened the need to have accurate, timely information to maintain and increase U.S. animal agriculture's overseas market share, NAHRS provides information that helps meet this need.

Need and Use of the Information: The objective of the NAHRS is to collect data needed to report the presence of confirmed clinical disease in commercial livestock, poultry, and aquaculture species in the U.S. These reports are required for membership by the World Organization for Animal Health (OIE), and to meet international trade reporting requirements for animal health. The NAHRS collects monthly data from States veterinarians on the presence or absence of diseases reportable to the OIE within the U.S. Information collected is compiled and reported to the Agency where semi-annual reports are prepared for submission to the OIE. These reports are required by OIE and are needed to facilitate trade with foreign countries.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 52.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 4,992.

Animal and Plant Health Inspection Service

Title: Importation of Swine Hides, Bird Trophies, and Deer Hides.

OMB Control Number: 0579–0307.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The AHPA is contained in Title X, Subtitle E, Sections 10401–18 of Public Law 107–171, May 13, 2002, the Farm Security and Rural Investment Act of 2002. The Animal and Plant Health Inspection Service (APHIS) protects the health of the U.S. livestock and poultry population. Title 9 of the Code of Federal Regulations, parts 91 through 99, governs the importation of animals, birds, and poultry, certain animal and poultry products; and animal germplasm. These regulations place certain restrictions on the importation of hides and bird trophies to prevent an incursion of foreign animal diseases into the United States.

Need and Use of the Information: APHIS will collect information from certificates and written statements, to ensure that bird trophies and certain animal hides pose a negligible risk of introducing African Swine Fever, Bovine Babesiosis, Exotic Newcastle Disease,

Foot-and Mouth Disease, Highly Pathogenic Avian Influenza, and Rinderpest into the United States. If this information is not collected, it would significantly hinder APHIS's ability to ensure that these commodities pose a minimal risk of introducing foreign animal diseases into the United States.

Description of Respondents: State, Local or Tribal Government; Business or other for-profit.

Number of Respondents: 191.

Frequency of Responses: Reporting; On occasion.

Total Burden Hours: 142.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013–03012 Filed 2–8–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Manufacturers' Unfilled Orders Survey.

OMB Control Number: 0607–0561.

Form Number(s): MA–3000.

Type of Request: Revision of a currently approved collection.

Burden Hours: 3,000.

Number of Respondents: 6,000.

Average Hours Per Response: 30 minutes.

Needs and Uses: The Manufacturers' Shipments, Inventories, and Orders (M3) survey collects monthly data on shipments, inventories, new orders, and unfilled orders from manufacturing companies. The orders, as well as the shipments and inventory data are used widely and are valuable tools for analysts of business cycle conditions, including members of the Council of Economic Advisers, Bureau of Economic Analysis, Federal Reserve Board, Department of the Treasury, and the business community.

New orders serve as an indicator of future production commitments and the data are direct inputs into the leading economic indicator series. New orders, as reported on the M3 monthly survey, are derived by adding shipments to the net change in the unfilled orders from the previous month. The ratio of unfilled orders to shipments is an important indicator of pressure on manufacturing capacity.

The monthly M3 estimates are based on a relatively small panel of domestic manufacturers and reflect primarily the month-to-month changes of large companies. There is a clear need for periodic benchmarking of the M3 estimates to reflect the manufacturing universe. The Economic Census covering the manufacturing sector and the Annual Survey of Manufactures (ASM) provide annual benchmarks for the shipments and inventory data in the monthly M3 survey. The Manufacturers' Unfilled Orders Survey provides the annual benchmarks for the unfilled orders data.

The industries selected for the Manufacturers' Unfilled Orders Survey are those that the U.S. Census Bureau determined maintain considerable unfilled orders. The survey is necessary to ensure future accuracy of the new orders data in the M3 and to determine which NAICS industries continue to maintain unfilled orders.

We plan to add a box for ''Change in Operational Status'' to the MA–3000 for 2012. This change does not affect burden because the information asked is readily available by the respondents or not applicable to those companies without an operational status change.

The Census Bureau uses the information provided by this survey to develop universe estimates of unfilled orders as of the end of 2011 and 2012, and then adjust the monthly M3 data on unfilled orders to these levels. The benchmarked unfilled orders levels are used to derive estimates of new orders received by manufacturers. New orders are derived using the following formula:

Affected Public: Business or other for-profit.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 131, 182, 193, and 224.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov).*

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or email (*bharrisk@omb.eop.gov).*

Dated: February 6, 2013.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–02994 Filed 2–8–13; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–13–2013]

Foreign-Trade Zone 50—Long Beach, California; Notification of Proposed Production Activity; Panasonic Corporation of North America (Kitting of Consumer Electronics); Anaheim, CA

The Board of Harbor Commissioners of the Port of Long Beach, grantee of FTZ 50, submitted a notification of proposed production activity on behalf of Panasonic Corporation of North America (PNA), located in Anaheim, California. The notification conforming to the requirements of the regulations of the Board (15 CFR 400.22) was received on January 29, 2013.

The PNA facility is located within Site 31 of FTZ 50. The facility is used for the kitting of consumer electronics parts into retail packages. Pursuant to 15 CFR Section 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt PNA from customs duty payments on the foreign status components used in export production. On its domestic sales, PNA would be able to choose the duty rates during customs entry procedures that apply to camera kits, digital cameras with lenses, digital cameras with memory cards, home theater systems and camera systems (duty rate ranges from duty-free to 2.1%) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components and materials sourced from abroad include: SD cards, leather camera cases, digital still cameras, camera lenses, home theater systems, HDMI cables, quick start guides and dome enclosures (duty rate ranges from duty-free to 4.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 25, 2013.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: February 4, 2013.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–03070 Filed 2–8–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–824]

Polyethylene Terephthalate Film, Sheet, and Strip From Taiwan: Final Results of Antidumping Duty Administrative Review; 2010–2011

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On August 6, 2012, the Department of Commerce (Department) published the preliminary results of administrative review of the antidumping duty order on polyethylene terephthalate film (PET Film) from Taiwan.[1] This review covers two respondents, Shinkong Synthetic Fibers Corporation and its subsidiary Shinkong Materials Technology Co. Ltd. (collectively, Shinkong), and Nan Ya Plastics Corporation, Ltd. (Nan Ya), producers and exporters of PET Film from Taiwan. Based on the results of our analysis of the comments received, we have made changes to the *Preliminary Results.* For the final weighted-average dumping margins, *see* the ''Final Results of Review'' section below.

DATES: *Effective Date:* February 11, 2013.

FOR FURTHER INFORMATION CONTACT: Sean Carey or Milton Koch, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 428–3964 or (202) 482–2584, respectively.

SUPPLEMENTARY INFORMATION:

Background

Since the *Preliminary Results,* the following events have taken place. Between August and October 2012, the Department issued several supplemental questionnaires to both Shinkong and Nan Ya requesting additional information. All responses were timely submitted. On September 28, 2012, Wilmer Hale withdrew its representation of DuPont Teijin Films, one of the petitioners. As explained in the memorandum from the Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 29, through October 30, 2012. Thus all deadlines in this segment of the proceeding have been extended by two days.[2] On November 8, 2012, the Department extended the deadline of the final results from December 6, 2012 to February 4, 2013.[3] On December 19, 2012, Mitsubishi Polyester Film, Inc., SKC, Inc., and Toray Plastics (America), Inc. (collectively, Petitioners) filed comments on Nan Ya's supplemental questionnaire responses.

The Department issued a post preliminary analysis to address Petitioners' targeted dumping allegation for both Shinkong and Nan Ya on December 20, 2012.[4] Shinkong and Petitioners filed timely case briefs on January 3, 2013. We rejected Nan Ya's January 3, 2013 case brief because it contained untimely filed new factual information. NanYa re-filed its case brief on January 9, 2013 and filed its rebuttal brief on January 10, 2013. Petitioners timely filed a rebuttal brief on January 10, 2013.

Scope of the Order

The products covered by the antidumping duty order are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. Excluded are metalized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of polyethylene terephthalate film, sheet, and strip are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the antidumping duty order is dispositive.

Period of Review

The period of review is July 1, 2010, through June 30, 2011.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties are addressed in the Decision Memorandum.[5] A list of these issues is attached to this notice in the Appendix. The Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to all registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/.* The signed Decision Memorandum and electronic versions of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received and information gathered after the *Preliminary Results,* we have made adjustments to our margin calculations for both Shinkong and Nan Ya. For Shinkong, the Department has modified the calculations of credit expenses, direct selling expenses, and the adjustment for the provision of free samples. For Nan Ya, the Department has modified the date of sale and the targeted dumping analysis.[6]

Final Results of Review

As a result of our review, we determine that the following weighted-average dumping margins exist for the

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip From Taiwan: Preliminary Results of Antidumping Duty Administrative Review,* 77 FR 46704 (August 6, 2012) (*Preliminary Results*).

[2] *See* Memorandum to the Record from Paul Piquado, Assistant Secretary for Import Administration, regarding ''Tolling of Administrative Deadlines As a Result of the Government Closure During Hurricane Sandy'' dated October 31, 2012.

[3] *See* Memorandum from Barbara Tillman, Antidumping and Countervailing Duty Operations Office 6 Director to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Polyethylene Terephthalate Film from Taiwan: Extension of Deadline for Final Results of Antidumping Duty Administrative Review.''

[4] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, ''2010–2011 Administrative Review of the Antidumping Duty Order on Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan: Post-Preliminary Analysis and Calculation Memorandum of Nan Ya Plastics Corporation, Ltd. and Shinkong Synthetic Fibers Corporation and its subsidiary Shinkong Materials Technology Co. Ltd.'' dated December 20, 2012.

[5] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, ''Issues and Decision Memorandum for the Final Results of the 2010–2011 Antidumping Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan,'' dated February 4, 2013 (Decision Memorandum).

[6] Because the details of these changes include business proprietary information, *see* Memorandum to Dana S. Mermelstein, Program Manager, AD/CVD Operations, Office 6, ''Final Results of the 2010–2011 Administrative Review of Polyethylene Terephthalate Film Sheet and Strip from Taiwan: Calculations for Shinkong Synthetic Fibers Corporation and its subsidiary Shinkong Materials Technology Co. Ltd.,'' dated February 4, 2013 and Memorandum to Dana S. Mermelstein, Program Manager, AD/CVD Operations, Office 6, ''Final Results of the 2010–2011 Administrative Review of Polyethylene Terephthalate Film Sheet and Strip from Taiwan: Calculations for Nan Ya Plastics Corporation,'' dated February 4, 2013.

period July 1, 2010, through June 30, 2011.

Manufacturer/exporter	Weighted-Average dumping margin (percent)
Shinkong Synthetic Fibers Corporation/Shinkong Materials Technology Co. Ltd	0.75
Nan Ya Plastics Corporation, Ltd	8.99

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review.

For any individually examined respondents whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.5 percent) in the final results, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those sales in accordance with 19 CFR 351.212(b)(1).[7] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted average dumping margin is zero or below *de minimis* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[8]

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by each respondent for which they did not know that their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of PET Film from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (Act): (1) The cash deposit rate for company under review will be the rate established in the final results of this review (except, if the rate is zero or below *de minimis, i.e.,* 0.5 percent, no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and, (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be the all others rate for this proceeding, 2.40 percent. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification Regarding Administrative Protective Orders

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 4, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix

List of Comments

Comment 1: Whether to Apply an Alternative Comparison Method to Nan Ya and Shinkong

Comment 2: Whether the Department Should Modify the Calculations of Certain Adjustments for Shinkong

Comment 3: Whether the Department Should Use Nan Ya's Revised U.S. Sales Database

Comment 4: Whether the Department Should Change Nan Ya's Date of Sale from Invoice Date to Sales Confirmation Date

Comment 5: Whether the Department Should Use Entry Date To Define Nan Ya's Universe of Sales and Consequently To Exclude Nan Ya Sales That Are Outside The POR

[FR Doc. 2013–03083 Filed 2–8–13; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*). In the *Preliminary Results,* the Department applied the assessment rate calculation method adopted in *Final Modification for Reviews, i.e.* on the basis of monthly average-to-average comparisons using only the transactions associated with that importer with offsets being provided for non-dumped comparisons.

[8] *See* 19 CFR 351.106(c)(1).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–704]

Brass Sheet and Strip From Japan: Rescission of Antidumping Duty Administrative Review; 2011–2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') is rescinding the administrative review of the antidumping duty order on brass sheet and strip from Japan for the period August 1, 2011, through July 31, 2012.

DATES: *Effective Date:* February 11, 2013.

FOR FURTHER INFORMATION CONTACT: Mahnaz Khan, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington DC 20230; telephone: (202) 482–0914.

SUPPLEMENTARY INFORMATION:

Background

The Department initiated an administrative review of the antidumping duty order on brass sheet and strip from Japan covering the period August 1, 2011, through July 31, 2012,

based on a request by GBC Metals, LLC, of Global Brass and Copper, Inc., doing business as Olin Brass; Heyco Metals, Inc.; Aurubis Buffalo, Inc.; PMX Industries, Inc.; and Revere Copper Products, Inc. (collectively, ''Petitioners''). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 77 FR 59168 (September 26, 2012).

The review covers 22 companies: Dowa Metals & Mining Co., Ltd.; Fujisawa Co., Ltd.; Furukawa Electric Co., Ltd.; Harada Metal Industry; Hitachi Alloy, Ltd.; Hitachi Cable, Ltd.; Kicho Shindosho Co., Ltd.; Kitz Metal Works Corp.; Kobe Steel, Ltd.; Mitsubishi Materials Corp.; Mitsubishi Electric Metecs Co., Ltd.; Mitsubishi Shindoh Co., Ltd.; Mitsui Mining & Smelting Co., Ltd. (Mitsui Kinzoku); Mitsui Sumitomo Metal Mining Brass & Copper Co., Ltd.; NGK Insulators (NGK Metals); Nippon Mining & Metals Co., Ltd.; Ohki Brass & Copper Co., Ltd.; Sambo Copper Alloy Co., Ltd.; Sugino Metal Industry Co., Ltd.; Sumitomo Metal Mining Brass & Copper Co., Ltd.; Uji Copper & Alloy Co., Ltd.; and YKK Corporation.

On December 20, 2012, Petitioners withdrew their request for an administrative review on all 22 producers/exporters.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. In this case, Petitioners withdrew their request within the 90-day deadline and no other parties requested an administrative review of the antidumping duty order. Therefore, we are rescinding the administrative review of brass sheet and strip from Japan covering the period August 1, 2011, through July 31, 2012.

Assessment

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all suspended entries subject to the AD Order for the period August 1, 2011 to July 31, 2011. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: February 5, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–03080 Filed 2–8–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–824]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Final Results of Administrative Review of the Antidumping Duty Order; 2010–2011

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On August 6, 2012, the Department of Commerce (Department) published the preliminary results of administrative review of the antidumping duty order on polyethylene terephthalate film (PET Film) from India.[1] This review covers three respondents, Jindal Poly Films Ltd (Jindal), Polyplex Corporation Ltd. (Polyplex), and SRF Limited (SRF), producers and exporters of PET Film from India. Based on the results of our analysis of the comments received, we have made changes to the preliminary results. For the final weight-averaged dumping margins, *see* the ''Final Results of Review'' section below.

DATES: *Effective Date:* February 11, 2013.

FOR FURTHER INFORMATION CONTACT: Elfi Blum or Toni Page, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 428–0197 or (202) 482–1398, respectively.

SUPPLEMENTARY INFORMATION:

Background

Since the *Preliminary Results,* the following events have taken place. The Department extended the final results of review from December 6, 2012 to February 4, 2013.[2] Jindal and Polyplex submitted timely case briefs on December 5, 2012. DuPont Teijin Films, Mitsubishi Polyester Film, Inc., SKC, Inc., and Toray Plastics (America), Inc. (collectively, Petitioners) filed a timely rebuttal brief on December 13, 2012.

The Department issued a post-preliminary analysis to address Petitioners' targeted dumping allegations for both Jindal and Polyplex on December 20, 2012.[3] Petitioners filed timely comments regarding the Department's post-preliminary analysis on January 3, 2013. In response, Jindal and Polyplex filed timely rebuttal comments on January 8, 2013.

Scope of the Order

The products covered by the antidumping duty order are all gauges of

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results of Antidumping Duty Administrative Review,* 77 FR 46687 (August 6, 2012) (*Preliminary Results*).

[2] *See* Memorandum from Barbara Tillman, Antidumping and Countervailing Duty Operations Office 6 Director, to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Polyethylene Terephthalate Film from India: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated November 9, 2012. *See also* Memorandum to the Record from Paul Piquado, Assistant Secretary for Import Administration, regarding ''Tolling of Administrative Deadlines As a Result of the Government Closure During Hurricane Sandy,'' dated October 31, 2012.

[3] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration,: Polyethylene Terephthalate Film, Sheet and Strip (PET film) from India: Post-Preliminary Analysis and Calculation Memorandum, dated December 20, 2012 (Post-Prelim Analysis and Calculation Memorandum).

raw, pretreated, or primed PET film, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of PET film are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the antidumping duty order is dispositive.

Period of Review

The period of review is July 1, 2010, through June 30, 2011.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties are addressed in the Decision Memorandum.[4] A list of these issues is attached to this notice in the Appendix. The Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to all registered users at *http://iaaccess.trade.gov*, and is available to all parties in the Central Records Unit (CRU), room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/*. The signed Decision Memorandum and electronic versions of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received and information received after the *Preliminary Results,* we have made adjustments to our margin calculations for Jindal and Polyplex in accordance with our post-preliminary analysis.[5] For these final results, we made no other changes to Jindal's margin calculations. Polyplex's margin calculations were adjusted to account for the company's expenditures for its sample sales and its sales of secondary merchandise in the U.S. The adjustments for Polyplex did not change its weighted-average dumping margin calculated for the *Preliminary Results.*

Final Results of Review

As a result of our review, we determine that the following weighted-average dumping margins exist for the period July 1, 2010, through June 30, 2011.

Manufacturer/ exporter	Weighted-average dumping margin (percent)
Jindal Poly Films Limited	0.00
Polyplex Corporation Limited	0.00
SRF Limited[6]	0.00

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. We will instruct CBP to liquidate entries of merchandise produced and/or exported by Jindal, Polyplex, and SRF. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. For individually examined respondents whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent) in the final results, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[7] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate without regard to antidumping duties any entries.[8]

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the period of review produced by each respondent for which they did not know that their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of PET Film from India entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (Act): (1) The cash deposit rate for company under review will be the rate established in the final results of this review (except, if the rate is zero or *de minimis,* then no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and, (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be the all others rate for this proceeding, 5.71 percent. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification Regarding Administrative Protective Orders

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance

[4] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, ''Issues and Decision Memorandum for the Final Results of the 2010–2011 Antidumping Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from India,'' dated February 4, 2013 (Decision Memorandum).

[5] For our detailed analysis, *see* Post-Prelim Analysis and Calculation Memorandum; *see also* Analysis Memorandum for the Post-Preliminary Results of the Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from India: Jindal Poly Films Limited and Polyplex Corporation Ltd., dated December 20, 2012, at 2, respectively.

[6] SRF is a non-selected respondent in this review. For additional information regarding the calculation of SRF's rate, which remains unchanged from the *Preliminary Results, see Preliminary Results,* 77 FR at 46692.

[7] In these final results, the Department applied the assessment rate calculation method adopted in *Final Modification for Reviews, i.e.* on the basis of monthly average-to-average comparisons using only the transactions associated with that importer with offsets being provided for non-dumped comparisons. *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 1012) (*Final Modificationfor Reviews*).

[8] *See* 19 CFR 351.106(c)(1).

with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 4, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix

Comment 1: Targeted Dumping
Comment 2: Polyplex's Transparent Film Other Grade (TFOG) Sales
Comment 3: Jindal's Date of Sale
Comment 4: Jindal's Export Quantities

[FR Doc. 2013–03082 Filed 2–8–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–805]

Certain Pasta From Turkey; 2010–2011; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain pasta (pasta) from Turkey. The period of review (POR) is July 1, 2010, through June 30, 2011, and covers TAT Makarnacilik Sanayi ve Ticaret A.S. (TAT), and Marsan Gida Sanayi ve Ticaret A.S (Marsan) and its claimed affiliates Birlik Pazarlama Sanayi ve Ticaret A.S. (Birlik), Bellini Gida Sanayi A.S. (Bellini), and Marsa Yag Sanayi ve Ticaret A.S. (Marsa Yag). Based on our analysis of the comments received, we have not made any changes in the margin calculation for Marsan. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Review.''

DATES: *Effective Date:* February 11, 2013.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore (Marsan, Birlik, Bellini, and Marsan Yag), Victoria Cho (TAT) or Robert James, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3692, (202) 482–5075, or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 6, 2012, the Department published the *Preliminary Results,*[1] and invited interested parties to comment. On October 19, 2012, Marsan Gida Sanayi ve Ticaret A.S., (Marsan) filed a case brief, and the petitioners[2] filed a case brief with respect to TAT. On October 24, 2012, petitioners filed a rebuttal brief. On December 21, 2012, the Department issued a post-preliminary analysis decision memorandum of the targeting dumping allegation with respect to Marsan.[3] At that time, we invited parties to comment on the Department's analysis in addressing the petitioners' targeted dumping allegation in this review. The Department did not receive any comments on its post-preliminary decision memorandum.

Period of Review

The POR covered by this review is July 1, 2010, through June 30, 2011.

Scope of the Order

The merchandise covered by this order are certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions. Excluded from the scope of this review are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the *Harmonized Tariff Schedule of the United States* (*HTSUS*). Although the *HTSUS* subheading is provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this proceeding and to which we have responded are listed in Appendix I to this notice and addressed in the Issues and Decision Memorandum, dated concurrently with, and hereby adopted by, this notice.[4] The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce Building, as well as electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaacess.trade.gov* and is available to all parties in the CRU. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://www.trade.gov/ia/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Review

As a result of this review, we determine that the following weighted-average dumping margins exist for the period July 1, 2010, through June 30, 2011:

[1] *See Certain Pasta From Turkey: Notice of Preliminary Results of the 2010–2011 Antidumping Duty Administrative Review,* 77 FR 46694 (August 6, 2012) (*Preliminary Results*).

[2] New World Pasta Company, Dakota Growers Pasta Company & American Italian Pasta Company (petitioners).

[3] *See* Memorandum to Lynn Fischer Fox, Acting Assistant Secretary for Import Administration, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations titled ''2010/2011 Review of the Antidumping Duty Order on Certain Pasta (pasta) from Turkey: Post-Preliminary Analysis Memorandum'', dated December 21, 2012.

[4] *See* Issues and Decision Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, titled ''Final Results of the Antidumping Duty Administrative Review: Certain Pasta from Turkey; 2010–2011,'' dated February 4, 2013.

[5] The Department has found Marsan not to be affiliated with Birlik or Bellini, prior to June 2, 2011. Birlik ceased operation of the pasta production facility in October 2010 and at the same time Bellini took over operation of the pasta production facility from Birlik. *See* the Issues and

Manufacturer/exporter	Weighted-average dumping margin (percent)
TAT	0.00
Birlik [5]	0.00
Bellini [6]	0.00
Bellini/Marsan [7]	0.00

Disclosure

In accordance with 19 CFR 351.224(b), we will disclose calculation memorandums used in our analysis to parties to these proceedings within five days of the date of publication of this notice.

Assessment

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b), the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

For assessment purposes, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

We calculated such rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. If an importer-specific assessment rate is zero or *de minimis* (*i.e.,* less than 0.50 percent) or the exporter has a weighted-average dumping margin that is zero or *de minimis,* the Department will instruct CBP to assess that importer's entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2).

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[8] This clarification will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the country-specific all-others rate established in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice of final results of the administrative review for all shipments of subject merchandise entered or withdrawn from warehouse, for consumption, on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For the companies subject to this review, the cash deposit rate will be the respective rates established in the final results of this review, as listed above; (2) for previously reviewed or investigated companies not listed above that have their own rates, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previously completed segment conducted under this proceeding by the Department, the cash deposit rate will be 51.49 percent, the all-others rate, established in the LTFV investigation.[9] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent increase in antidumping duties by the amount of antidumping and/or countervailing duties reimbursed.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 4, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix I—Issues in Issues and Decision Memorandum

Marsan

Comment 1: Whether Marsan was affiliated with Ulker/Bellini/Birlik throughout the POR

Comment 2: Whether the Department should assign a deposit rate to Eksper Gida

Comment 3: Whether the Department should assign a deposit rate to Bellini

Comment 4: Whether the Department should have calculated a weighted-average cost for Birlik and Bellini

Comment 5: Whether the Department erred in increasing Bellini's cost of manufacture

TAT

Comment 6: The commercial reasonableness of TAT's U.S. sales

Comment 7: Alleged SAS errors in the *Preliminary Results*

Comment 8: TAT's liquidation instructions

[FR Doc. 2013–03084 Filed 2–8–13; 8:45 am]

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Decision Memorandum, *Preliminary Results,* and Memorandum to Melissa Skinner, Office Director, Office 3 from the Team, titled ''Whether to Treat Marsan and its Claimed Affiliates as a Single Entity for Margin Calculation Purposes,'' dated July 30, 2012 (Affiliation/Collapsing Memo).

[6] *See id.*

[7] As indicated in the Issues and Decision Memorandum, *Preliminary Results,* and Affiliation/Collapsing Memo, the Department has treated Bellini and Marsan as a single entity for the last month of the POR.

[8] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[9] *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta From Turkey,* 61 FR 38545 (July 24, 1996).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–801]

Ball Bearings and Parts Thereof From Germany: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission; 2011–2011

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on ball bearings and parts thereof from Germany. The period of review (POR) is May 1, 2011, through September 14, 2011.[1] We preliminarily find that subject merchandise has not been sold at less than normal value.

DATES: *Effective Date:* February 11, 2013.

FOR FURTHER INFORMATION CONTACT: Catherine Cartsos or Minoo Hatten, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1757 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is ball bearings and parts thereof. The ball bearings and parts thereof subject to the order are currently classifiable under subheadings 3926.90.45, 4016.93.10, 4016.93.50, 6909.19.50.10, 8414.90.41.75, 8431.20.00, 8431.39.00.10, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.35, 8482.99.25.80, 8482.99.65.95, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.93.30, 8708.93.60.00, 8708.99.06, 8708.99.31.00, 8708.99.40.00, 8708.99.49.60, 8708.99.58, 8708.99.80.15, 8708.99.80.80, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, 8803.90.90, 8708.30.50.90, 8708.40.75.70, 8708.40.75.80, 8708.50.79.00, 8708.50.89.00, 8708.50.91.50, 8708.50.99.00, 8708.70.60.60, 8708.80.65.90, 8708.93.75.00, 8708.94.75, 8708.95.20.00, 8708.99.55.00, 8708.99.68, and 8708.99.81.80 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS numbers are provided for convenience and customs purposes. A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, ''Decision Memorandum for Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review: Ball Bearings and Parts Thereof from Germany'' dated concurrently with this notice (''Preliminary Decision Memorandum''), which is hereby adopted by this notice. The written description is dispositive.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit (CRU), room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/*. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Rescission of Review in Part

In accordance with 19 CFR 351.213(d), we are rescinding the review with respect to Kongskilde Limited, Schaeffler Technologies GmbH & Co. KG (formerly known as Schaeffler KG), and SKF GmbH because, subsequent to the initiation of this review, we received timely withdrawals of the requests for review we received for these companies. *See* Preliminary Decision Memorandum.

Selection of Respondents for Individual Examination

Due to the large number of companies in this review and the resulting administrative burden of examining each company for which a review was initiated, the Department, in accordance to section 777A(c)(2) of the Tariff Act of 1930, as amended (Act), exercised its authority to limit the number of respondents selected for individual examination in this review. We selected myonic GmbH (myonic) for individual examination. *See* Preliminary Decision Memorandum.

Methodology

The Department has conducted this review in accordance with section 751(a)(2) of the Act. Constructed export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. In accordance with section 773(b) of the Act, we disregarded certain sales by myonic in the home market which were made at below-cost prices. For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum.

Rates for Respondents Not Selected for Individual Examination

The Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation for guidance, and concludes that a reasonable method for determining the weighted-average dumping margins for the respondents not selected for individual examination in this review is to assign the rate calculated for myonic, which is the sole company selected for individual examination. For a full description of the methodology we used in calculating the rates for respondents not selected for individual examination, *see* Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margins exist for the respondents for the May 1, 2011, through September 14, 2011.

Manufacturer/exporter	Weighted-average dumping margin (Percent)
Audi AG	0.00

[1] On September 15, 2011, the Department revoked the order on ball bearings and parts thereof from Germany as the conclusion of a sunset review. *See Ball Bearings and Parts Thereof From France, Germany and Italy: Final Results of Sunset Reviews and Revocation of Antidumping Duty Orders,* 76 FR 57019, (September 15, 2011) (*Third Sunset Review).* Therefore, the POR ends on September 14, 2011.

Manufacturer/exporter	Weighted-average dumping margin (Percent)
Bayerische Motoren Werke AG	0.00
myonic GmbH	0.00
Volkswagen AG	0.00
Volkswagen Zubehor GmbH	0.00
W&H Dentalwerk Burmoos GmbH	0.00

Disclosure and Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs. Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, filed electronically *via* IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the party's respective case briefs. The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of the administrative review, the Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. If myonic's weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). If myonic's weighted-average dumping margin continues to be zero or *de minimis* in the final results of review, we will instruct CBP not to assess antidumping duties on its entries in accordance with the *Final Modification for Reviews, i.e.,* ''{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis,* no antidumping duties will be assessed.'' [2]

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by myonic, which is the company selected for individual examination in this review, for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

For the companies which are not selected for individual examination, we will instruct CBP to apply the rates listed above to all entries of subject merchandise produced and/or exported by those firms.

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Subject merchandise of the companies for which we are rescinding the review will be assessed antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of this notice.

[2] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 80102 (February 14, 2012).

Cash Deposit Requirements

Because the antidumping duty order on ball bearings and parts thereof from Germany has been revoked as a result of the *Third Sunset Review,* the Department will not issue cash deposit instructions at the conclusion of this administrative review.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 4, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

1. Scope of the Order
3. Selection of Respondents for Individual Examination
4. Rescission of Review in Part
5. Rates for Respondents Not Selected for Individual Examination
6. Constructed Export Price
7. Home Market Sales
8. Cost of Production
9. Model Match Methodology
10. Normal Value
11. Constructed Value
12. Level of Trade
13. Currency Conversion

[FR Doc. 2013–03069 Filed 2–8–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–838]

Clad Steel Plate From Japan: Continuation of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations in the third sunset reviews by the Department of Commerce (Department) and the International Trade Commission (ITC) that revocation of the antidumping duty order on clad steel plate from Japan would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the antidumping duty order.

DATES: *Effective Date:* February 11, 2013.

FOR FURTHER INFORMATION CONTACT: David Crespo, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3693.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2012, the Department published the notice of initiation of the third sunset review of the antidumping duty order on clad steel plate from Japan pursuant to section 751(c) of the Tariff Act of 1930, as amended (Act). *See Initiation of Five-Year (Sunset) Review,* 77 FR 4995 (Feb. 1, 2012).

As a result of its review, the Department determined that revocation of the antidumping duty order on clad steel plate from Japan would likely lead to a continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins of dumping likely to prevail should the order be revoked. *See Clad Steel Plate from Japan: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order,* 77 FR 31834 (May 30, 2012).

On February 1, 2013, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on clad steel plate from Japan would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable future. *See Clad Steel Plate From Japan; Determination,* 78 FR 7451 (Feb. 1, 2013).

Scope of the Order

The scope of the order is all clad[1] steel plate of a width of 600 millimeters (mm) or more and a composite thickness of 4.5 mm or more. Clad steel plate is a rectangular finished steel mill product consisting of a layer of cladding material (usually stainless steel or nickel) which is metallurgically bonded to a base or backing of ferrous metal (usually carbon or low alloy steel) where the latter predominates by weight.

Stainless clad steel plate is manufactured to American Society for Testing and Materials (ASTM) specifications A263 (400 series stainless types) and A264 (300 series stainless types). Nickel and nickel-base alloy clad steel plate is manufactured to ASTM specification A265. These specifications are illustrative but not necessarily all-inclusive.

Clad steel plate within the scope of the order is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) 7210.90.10.00. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Continuation of the Order

As a result of the determinations by the Department and the ITC that revocation of the antidumping duty order would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on clad steel plate from Japan. U.S. Customs and Border Protection will continue to collect cash deposits for estimated antidumping duties at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year (sunset) review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: February 5, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2013–03079 Filed 2–8–13; 8:45 am]

BILLING CODE 3510–DS–P

[1] Cladding is the association of layers of metals of different colors or natures by molecular interpenetration of the surfaces in contact. This limited diffusion is characteristic of clad products and differentiates them from products metalized in other manners (*e.g.,* by normal electroplating). The various cladding processes include pouring molten cladding metal onto the basic metal followed by rolling; simple hot-rolling of the cladding metal to ensure efficient welding to the basic metal; any other method of deposition of superimposing of the cladding metal followed by any mechanical or thermal process to ensure welding (*e.g.,* electrocladding), in which the cladding metal (nickel, chromium, etc.) is applied to the basic metal by electroplating, molecular interpenetration of the surfaces in contact then being obtained by heat treatment at the appropriate temperature with subsequent cold rolling. *See* Harmonized Commodity Description and Coding System Explanatory Notes, Chapter 72, General Note (IV)(C)(2) (e).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–911]

Circular Welded Carbon Quality Steel Pipe From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2011

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') is rescinding the administrative review of the countervailing duty order on circular welded carbon quality steel pipe from the People's Republic of China (''PRC'') for the period January 1, 2011, through December 31, 2011.

DATES: *Effective Date:* February 11, 2013.

FOR FURTHER INFORMATION CONTACT: Joshua Morris, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1779.

SUPPLEMENTARY INFORMATION:

Background

The Department initiated an administrative review of the countervailing duty order on circular welded carbon quality steel pipe from the PRC covering the period January 1, 2011, through December 31, 2011, based on requests by Wheatland Tube Company (''Wheatland'') and LDR Industries, Inc. (''LDR''). See *Initiation of Antidumping and Countervailing*

Duty Administrative Reviews and Request for Revocation in Part, 77 FR 52688, 52691 (August 30, 2012).

The review covers 24 companies: Adler Steel Ltd.; Al Jazeera Steel Products Co. SAOG; Baoshan Iron & Steel Co., Ltd.; Benxi Northern Steel Pipes, Co. Ltd.; CNOOC Kingland Pipeline Co., Ltd.; ETCO (China) International Trading Co., Ltd.; Guangzhou Juyi Steel Pipes Co., Ltd.; Hefei Zijin Steel Tube Manufacturing Co., Ltd.; Huludao City Steel Pipe Industrial; Jiangsu Changbao Steel Tube Co., Ltd.; Jiangsu Yulong Steel Pipe Co., Ltd.; Liaoning Northern Steel Pipe Co., Ltd.; MCC Liaoning Dragon Pipe Industries; Shanghai Zhongyou Tipo Steel; SteelFORCE Far East Ltd.; Tianjin Huilitong Steel Tube Co., Ltd.; Tianjin Longshenghua Import & Export; Tianjin Shuangjie Steel Pipe Co., Ltd.; Tianjin Uniglory International Trade Co., Ltd.; Weifang East Steel Pipe Co., Ltd.; Wuxi Fastube Industry Co., Ltd.; Xuzhou Global Pipe & Fitting Manufacturing Co., Ltd.; Zhejiang Kingland Pipeline Industry Co., Ltd.; and Zhongjian Jinpei Steel Pipe Co. Ltd.

On September 11, 2012, LDR withdrew its request for an administrative review of Xuzhou Global Pipe & Fitting Manufacturing Co., Ltd. On November 28, 2012, Wheatland withdrew its request for an administrative review of the remaining 23 companies.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. In this case, LDR and Wheatland withdrew their requests within the 90-day deadline and no other parties requested an administrative review of the countervailing duty order. Therefore, we are rescinding the administrative review of circular welded carbon quality steel pipe from the PRC covering the period January 1, 2011, through December 31, 2011.

Assessment

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess countervailing duties on all entries of circular welded carbon quality steel pipe from the PRC during the POR at rates equal to the cash deposit of estimated countervailing duties required at the time of entry or withdrawal from warehouse for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of countervailing duties prior to liquidation of the relevant entries during this review period.

This notice also serves as a final reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: February 5, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–03081 Filed 2–8–13; 8:45 am]

BILLING CODE 3510–DS–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 12–1, CPSC Docket No. 12–2 and CPSC Docket No. 13–2]

Notice of Telephonic Prehearing Conference

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: Notice of telephonic prehearing conference for the consolidated case: In the Matter of MAXFIELD AND OBERTON HOLDINGS, LLC; ZEN MAGNETS, LLC; and STAR NETWORKS USA, LLC; CPSC Docket No. 12–1; CPSC Docket No. 12–2; and CPSC Docket No. 13–2.

DATES: March 6, 2013, 12:30 p.m. Mountain/1:30 p.m. Central/2:30 p.m. Eastern.

ADDRESSES: Members of the public are welcome to attend the prehearing conference at the Courtroom of Hon. Dean C. Metry at 601 25th Street, 5th Floor Courtroom, Galveston, Texas 77550.

FOR FURTHER INFORMATION CONTACT: Jan Emig, Paralegal Specialist, U.S. Coast Guard ALJ Program, (409) 765–1300.

SUPPLEMENTARY INFORMATION: Any or all of the following shall be considered during the prehearing conference:

(1) Petitions for leave to intervene;

(2) Motions, including motions for consolidation of proceedings and for certification of class actions;

(3) Identification, simplification and clarification of the issues;

(4) Necessity or desirability of amending the pleadings;

(5) Stipulations and admissions of fact and of the content and authenticity of documents;

(6) Oppositions to notices of depositions;

(7) Motions for protective orders to limit or modify discovery;

(8) Issuance of subpoenas to compel the appearance of witnesses and the production of documents;

(9) Limitation of the number of witnesses, particularly to avoid duplicate expert witnesses;

(10) Matters of which official notice should be taken and matters which may be resolved by reliance upon the laws administered by the Commission or upon the Commission's substantive standards, regulations, and consumer product safety rules;

(11) Disclosure of the names of witnesses and of documents or other physical exhibits which are intended to be introduced into evidence;

(12) Consideration of offers of settlement;

(13) Establishment of a schedule for the exchange of final witness lists, prepared testimony and documents, and for the date, time and place of the hearing, with due regard to the convenience of the parties; and

(14) Such other matters as may aid in the efficient presentation or disposition of the proceedings.

Telephonic conferencing arrangements to contact the parties will be made by the court. Mary Murphy, Esq. and Jennifer Argabright, Esq., Counsel for the U.S. Consumer Product Safety Commission, shall be contacted by a third party conferencing center at (301) 504–7809. David C. Japha, Esq., Counsel for ZEN MAGNETS, LLC and STAR NETWORKS USA, LLC shall be contacted by a third party conferencing center at (303) 964–9500.

Authority: Consumer Product Safety Act, 15 U.S.C. 2064.

Dated: February 5, 2013.

Todd A. Stevenson,

Secretary.

[FR Doc. 2013–02971 Filed 2–8–13; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Publication of Housing Price Inflation Adjustment Under 50 U.S.C. App. § 531

AGENCY: Office of the Under Secretary (Personnel and Readiness), DoD.

ACTION: Notice.

SUMMARY: The Servicemembers Civil Relief Act, as codified at 50 U.S.C. App. § 531, prohibits a landlord from evicting a Service member (or the Service member's family) from a residence during a period of military service except by court order. The law as originally passed by Congress applied to dwellings with monthly rents of $2,400 or less. The law requires the Department of Defense to adjust this amount annually to reflect inflation and to publish the new amount in the **Federal Register**. We have applied the inflation index required by the statute. The maximum monthly rental amount for 50 U.S.C. App. § 531 (a)(1)(A)(ii) as of January 1, 2013, will be $3,139.35.

DATES: *Effective Date:* January 1, 2013.

FOR FURTHER INFORMATION CONTACT: Major Ryan Oakley, Office of the Under Secretary of Defense for Personnel and Readiness, (703) 697–3387.

Dated: February 6, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–03042 Filed 2–8–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Energy Employees Occupational Illness Compensation Program Act of 2000; Revision to the List of Covered Facilities

AGENCY: Department of Energy.

ACTION: Notice of revision of listing of covered facilities.

SUMMARY: The Department of Energy (''Department'' or ''DOE'') periodically publishes revisions to its list of facilities covered under the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended (''EEOICPA'' or ''Act''). This notice amends the list of covered facilities by removing the designation of the Bridgeport Brass facility in Adrian, Michigan, as an atomic weapons employer (AWE) facility.

ADDRESSES: The Department welcomes comments on this notice. Comments should be addressed to: Patricia R. Worthington, Ph.D., Director, Office of Health and Safety (HS–10), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Patricia R. Worthington, Ph.D., Director, Office of Health and Safety (HS–10), (301) 903–5926.

SUPPLEMENTARY INFORMATION:

This notice amends the list of covered facilities by removing the designation of the Bridgeport Brass facility in Adrian, Michigan, as an atomic weapons employer (AWE) facility. Previous lists or revisions were published by DOE on February 6, 2012 (77 FR 24); May 26, 2011 (76 FR 102); June 30, 2010 (75 FR 125), as amended August 3, 2010 (75 FR 148); April 9, 2009 (74 FR 67); June 28, 2007 (72 FR 124); November 30, 2005 (70 FR 229); August 23, 2004 (69 FR 162); July 21, 2003 (68 FR 139); December 27, 2002 (67 FR 249); June 11, 2001 (66 FR 112); and January 17, 2001 (66 FR 11).

Purpose

EEOICPA establishes a program to provide compensation to certain employees who develop illnesses as a result of their employment with AWEs, DOE and its predecessor Agencies, certain of its contractors and subcontractors, and listed beryllium vendors. Section 3621(4) of the Act (codified at 42 U.S.C. 7384l(4)) defines an AWE as ''an entity, other than the United States, that—(A) processed or produced, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling; and (B) is designated by the Secretary of Energy as an [AWE] for purposes of the compensation program.'' Section 3621(5) defines an AWE facility as ''a facility, owned by an [AWE] that is, or was, used to process or produce, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining or milling.''

It has recently come to the attention of the Department that the Bridgeport Brass facility in Adrian, Michigan, was mistakenly identified as an AWE facility in the Department's previous lists. Records related to the Bridgeport Brass facility indicate that the United States, not Bridgeport Brass, owned the facility in Adrian, Michigan, and, therefore, it does not meet the above definition of an AWE facility.

This notice formally makes the changes to the listing of the covered facility as indicated below:

- The Bridgeport Brass facility in Adrian, Michigan, is no longer designated as an AWE facility. This change has no effect on any determination by the Department of Labor regarding the status of the site.

Issued in Washington, DC, on January 24, 2013.

Glenn S. Podonsky,

Chief Health, Safety and Security Officer, Office of Health, Safety and Security.

[FR Doc. 2013–03022 Filed 2–8–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Multi-stakeholder Process To Develop a Voluntary Code of Conduct for Smart Grid Data Privacy

AGENCY: Office of Electricity Delivery and Energy Reliability, Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: The U.S. Department of Energy, Office of Electricity Delivery and Energy Reliability (DOE OE) will convene the first meeting of the smart grid data privacy multistakeholder process concerning the development of an Voluntary Code of Conduct for utility and third parties providing consumer energy use services.

DATES: Tuesday, February 26, 2013 (9:30 a.m. to 4:30 p.m., Eastern Standard Time).

ADDRESSES: Federal Energy Regulatory Commission (FERC), Commission Meeting Room, 888 First Street NE., Washington, DC 20426.

The meeting will also be webcast. There will be an opportunity for stakeholders viewing the webcast to participate remotely in the meeting. Please register your intent to participate at *www.smartgrid.gov/privacy.* Instructions for remote participation will be sent to registrants and posted on the Web site *www.smartgrid.gov/privacy* seven (7) days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Eric Lightner, U.S. Department of Energy, Office of Electricity Delivery and Energy Reliability, 1000 Independence Ave. SW., Washington, DC 20585; telephone (202) 586–8130; email *eric.lightner@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background:

On January 31, 2012, the U.S. Department of Energy, Office of Electricity Delivery and Energy Reliability (DOE OE) hosted the Smart Grid Privacy Workshop [1] to facilitate a dialog among key industry stakeholders. On February 23, 2012, the White House released the report, *Consumer Data Privacy in a Networked World: A Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy* [2] (Privacy Blueprint). The Privacy Blueprint outlines a multi-stakeholder process for developing voluntary codes of conduct that, if adopted by businesses, would instill consumer confidence. In response to workshop findings and in support of the Privacy Blueprint, DOE OE and the Federal Smart Grid Task Force will facilitate a multistakeholder process to develop a Voluntary Code of Conduct (VCC) for utilities and third parties providing consumer energy use services. The goal of the process is to develop a common set of practices that will provide privacy protections for consumers with regard to access, use, and sharing of electricity usage and related data and will provide regulators and decision makers with a resource for evaluating potential privacy regulations and practices.

Matters to be considered: The meeting on February 26, 2013 will be the first in a series of DOE-convened multi-stakeholder discussions concerning the development of a VCC and will engage stakeholders in an open, transparent process. The objectives of the meeting are to (1) promote discussion among stakeholders regarding a proposed VCC outline, including the types of data to be covered and (2) establish procedural rules for developing the VCC. Additional information can be found at *www.smartgrid.gov/privacy.*

Audience: Stakeholders who may be interested in participating include—but are not limited to—utilities, consumer advocates, regulators, third party providers, building energy managers, academics, and home energy auditors.

Other Information: The meeting is open to the public and the press. Attendees should arrive at least one-half hour prior to the start of the meeting to facilitate entry to the FERC building. Participants will be required to show valid, government-issued photo identification upon arrival. Foreign nationals must contact Eric Lightner at (202) 586–8130 or *eric.lightner@hq.doe.gov* at least seven (7) business days prior to the meeting in order to provide the necessary clearance information and must present valid, government-issued photo identification upon arrival. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Eric Lightner at (202) 586–8130 or *eric.lightner@hq.doe.gov* at least seven (7) business days prior to the meeting.

Issued in Washington, DC, on February 4, 2013.

Patricia A. Hoffman,

Assistant Secretary.

[FR Doc. 2013–03021 Filed 2–8–13; 8:45 am]

BILLING CODE 6450–01–P

[1] DOE Smart Grid Data Privacy Workshop Report is available at *http://www.smartgrid.gov/document/us_department_energy_smart_grid_privacy_workshop_summary_report.*

[2] Privacy Blueprint is available at *http://www.whitehouse.gov/sites/default/files/privacyfinal.pdf.*

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–58–000]

National Fuel Gas Supply Corporation; Prior Notice of Activity Under Blanket Certificate

On January 24, 2013, National Fuel Gas Supply Corporation (National Fuel) filed with the Federal Energy Regulatory Commission (Commission) an application under section 7 of the Natural Gas Act and Sections 157.205 and 157.216 of the Commission's regulations for authorization to abandon facilities at its Boone Mountain Storage Field located in Elk County, Pennsylvania. National Fuel seeks authority to plug and abandon Well 4940 and to abandon the associated well line F–W4940. Well 4940 has not contributed to storage field deliverability since 2005, so the abandonment will not affect overall storage field performance.

Questions regarding this application may be directed to David W. Reitz, Deputy General Counsel, National Fuel Gas Supply Corporation, 6363 Main Street, Williamsville, New York 14221, or by calling 716–857–7949.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such motions or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant, on or before the comment date. It is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on April 2, 2013.

Dated: February 1, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–02933 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC13–3–000]

Commission Information Collection Activities (FERC–60, FERC–61, & FERC–555A); Comment Request

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting the information collections [FERC–60 (Annual Report of Centralized Service Companies), FERC–61 (Narrative Description of Service Company Functions), and FERC–555A (Preservation of Records Companies and Service Companies Subject to PUHCA [1])] to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission issued a Notice in the **Federal Register** (70 FR 70996, 11/28/2012) requesting public comments. FERC received no comments on the FERC–60, FERC–61, & FERC–555A and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by March 13, 2013.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0215, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission, identified by the Docket No. IC13–3–000, by either of the following methods:

- eFiling at Commission's Web Site: *http://www.ferc.gov/docs-filing/efiling.asp.*
- Mail/Hand Delivery/Courier: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–60 (Annual Report of Centralized Service Companies), FERC–61 (Narrative Description of Service Company Functions), and FERC–555A (Preservation of Records Companies and Service Companies Subject to PUHCA.

OMB Control No.: 1902–0215.

Type of Request: Three-year extension of the FERC–60, FERC–61, & FERC–555A information collection requirements with no changes to the reporting requirements.

Abstract: On August 8, 2005, the Energy Policy Act of 2005, was signed into law, repealing the Public Utility Holding Company Act of 1935 (PUHCA 1935) and enacting the Public Utility Holding Company Act of 2005 (PUHCA 2005). Section 1264 [2] and Section 1275 [3] of PUHCA 2005 supplemented FERC's existing ratemaking authority under the Federal Power Act (FPA) to protect customers against improper cross-subsidization or encumbrances of public utility assets, and similarly, FERC's ratemaking authority under the Natural Gas Act (NGA). These provisions of PUHCA 2005 supplemented the FERC's broad authority under FPA Section 301 and NGA section 8 to obtain the books and records of regulated companies and any person that controls or is under the influence of such companies if relevant to jurisdictional activities.

FERC Form 60

Form No. 60 is an annual reporting requirement under 18 CFR 366.23 for centralized service companies. The report's function is to collect financial information (including balance sheet, assets, liabilities, billing and charges for associated and non-associated companies) from centralized service companies subject to the jurisdiction of the FERC. Unless Commission rule exempts or grants a waiver pursuant to 18 CFR 366.3 and 366.4 to the holding company system, every centralized service company in a holding company system must prepare and file electronically with the FERC the Form No. 60, pursuant to the General Instructions in the form.

FERC–61

FERC–61 is a filing requirement for service companies in holding company systems (including special purpose companies) that are currently exempt or granted a waiver of FERC's regulations and would not have to file FERC Form 60. Instead, those service companies are required to file, on an annual basis, a narrative description of the service company's functions during the prior calendar year (FERC–61). In complying, a holding company may make a single filing on behalf of all of its service company subsidiaries.

FERC–555A

FERC prescribed a mandated preservation of records requirements for holding companies and service companies (unless otherwise exempted by FERC). This requires them to maintain and make available to FERC, their books and records. The preservation of records requirement provides for uniform records retention by holding companies and centralized service companies subject to PUHCA 2005.

Data from the FERC Form 60, FERC–61, and FERC–555A provide a level of transparency that: (1) Helps protect ratepayers from pass-through of improper service company costs, (2) enables FERC to review and determine cost allocations (among holding company members) for certain non-power goods and services, (3) aids FERC in meeting its oversight and market monitoring obligations, and (4) benefits the public, both as ratepayers and investors. In addition, the FERC's audit staff used these records during compliance reviews and special analyses.

If data from the FERC Form 60, FERC–61, and FERC–555A were not available, FERC would not be able to meet its statutory responsibilities, under EPAct 1992, EPAct of 2005, and PUHCA 2005, and FERC would not have all of the regulatory mechanisms necessary to ensure customer protection.

Type of Respondents: Electric transmission facilities

Estimate of Annual Burden [4]: The Commission estimates the total Public Reporting Burden for this information collection as:

[1] Public Utility Holding Company Act of 2005

[2] Federal Books and Records Access Provision

[3] Non-Power Goods and Services Provision

[4] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

FERC–60 (ANNUAL REPORT OF CENTRALIZED SERVICE COMPANIES), FERC–61 (NARRATIVE DESCRIPTION OF SERVICE COMPANY FUNCTIONS), & FERC–555A (PRESERVATION OF RECORDS COMPANIES AND SERVICE COMPANIES SUBJECT TO PUHCA)

	Number of respondents (A)	Number of responses per respondent (B)	Total number of responses (A)×(B)=(C)	Average burden hours per response (D)	Estimated total annual burden (C)×(D)
FERC–60	34	1	34	75	2,550
FERC–61	82	1	82	0.5	41
FERC–555A	100	1	100	1,080	108,000
Total					110,591

The total estimated annual cost burden to respondents is $4,735,093.16 [$306,000 (FERC Form 60) + $2,829.41 (FERC–61) + $4,426,263.75 (FERC–555A) = $4,735,093.16]

FERC Form 60: 2,550 hours * $120/hour = $306,000

FERC–61: 41 hours * $69.01/hour = $2,829.41

FERC–555A [5]:

- Labor costs for paper storage: 108,000 hours * $19/hours [6] = $2,052,000
- Record Retention/storage cost for paper storage (using an estimate of 6,000 ft [3]): $38,763.75
- Electronic record retention/storage cost: $2,335,500 [108,000 hours ÷ 2 = 54,000 * $28/hour [7] = $1,512,000; electronic record storage cost: 54,000 hours * $15.25/year [8] = $823,500; total electronic record storage: $2,335,500]

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

[5] Internal analysis assumes 50% electronic and 50% paper storage

[6] 2012 average hourly wage of filing clerk working within an electric utility

[7] The Commission bases the $28/hour figure on a FERC staff study that included estimating public utility recordkeeping costs.

[8] Per entity; the Commission bases this figure on the estimated cost to service and to store 1 GB of data (based on the aggregated cost of an IBM advanced data protection server).

Dated: February 5, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–03009 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–59–000]

Dominion Transmission, Inc.; Notice of Application

Take notice that on January 25, 2013, Dominion Transmission, Inc. (Dominion), 120 Tredegar Street, Richmond, VA 23219, filed an application in Docket No. CP13–59–000 pursuant to section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting authorization to abandon by sale Line No. TL–404 to Dominion Natrium Holdings, Inc. and ultimately, Blue Racer Midstream, LLC, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any questions concerning this application may be directed to Machelle F. Grim, Director, Gas Regulation, Dominion Resources Services, Inc., 701 E. Cary Street, Richmond, VA 23219, by telephone at (804) 771–3805, by facsimile at (804) 771–4804, or by email at *Machelle.F.Grim@dom.com* or Margaret H. Peters, Assistant General Counsel, Dominion Resources Services, Inc., 701 E. Cary Street, Richmond, VA 23219, by telephone at (804) 771–3992, by facsimile at (804) 771–3940, or by email at *Margaret.H.Peters@dom.com*.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit an original and 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426. This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an

''eSubscription'' link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on February 25, 2013.

Dated: February 4, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–02934 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG13–15–000.
Applicants: Niagara Wind Power, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Niagara Wind Power, LLC.
Filed Date: 1/31/13.
Accession Number: 20130131–5139.
Comments Due: 5 p.m. ET 2/21/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–840–000.
Applicants: NorthWestern Corporation.
Description: SA 587—NWE PPL Rainbow Dam LGIA—Amended 2013 to be effective 1/31/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5107.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–841–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: 1–31–13 Att ZZ and Sch 45 to be effective 2/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5108.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–842–000.
Applicants: Northern States Power Company, a Wisconsin corporation.
Description: 2013_01_31_NSPW BLMR ACIF 2nd POI–130 to be effective 12/21/2012.
Filed Date: 1/31/13.
Accession Number: 20130131–5146.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–843–000.
Applicants: Alabama Power Company.
Description: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Troy NITSA Filing to be effective 1/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5179.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–844–000.
Applicants: Alabama Power Company.
Description: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: GTC NITSA Amendment Filing to be effective 1/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5183.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–845–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: 2472 SPS/PSCO External Generation Agreement to be effective 1/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5186.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–846–000.
Applicants: Alabama Power Company.
Description: Alabama Power Company submits tariff filing per 35.15: SWE (Hampton) 2012 NITSA Termination Filing to be effective 12/31/2012.
Filed Date: 1/31/13.
Accession Number: 20130131–5197.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–847–000.
Applicants: Alabama Power Company.
Description: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: SEPA Network Agreement Filing to be effective 1/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5204.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–848–000.
Applicants: Georgia Power Company.
Description: Georgia Power Company submits tariff filing per 35.13(a)(2)(iii: SEPA Network Agreement Filing to be effective 1/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5211.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–849–000.
Applicants: Gulf Power Company.
Description: Gulf Power Company submits tariff filing per 35.13(a)(2)(iii: SEPA Network Agreement Filing to be effective 1/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5214.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–850–000.
Applicants: Mississippi Power Company.
Description: Mississippi Power Company submits tariff filing per 35.13(a)(2)(iii: SEPA Network Agreement Filing to be effective 1/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5217.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–851–000.
Applicants: Alabama Power Company.
Description: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: SWE (Evergreen) NITSA Filing to be effective 1/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5218.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–852–000.
Applicants: Alabama Power Company.
Description: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: SWE (Robertsdale) NITSA Filing to be effective 1/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5219.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–853–000.
Applicants: Alabama Power Company.
Description: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: SWE (Black Warrior) Amended and Restated NITSA Amendment Filing to be effective 1/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5221.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–854–000.
Applicants: Alabama Power Company.
Description: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: SWE (Tombigbee) Amended and Restated NITSA Filing to be effective 1/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5222.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–855–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Queue Position #NQ64—Original Service Agreement No. 3472 to be effective 1/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5230.
Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–856–000.

Applicants: New England Power Company.

Description: New England Power Company submits a Notice of Cancellation of Interconnection Agreement with Somerset Power LLC.

Filed Date: 1/31/13.

Accession Number: 20130131–5234.

Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–857–000.

Applicants: Northern States Power Company, a Wisconsin corporation.

Description: Northern States Power Company, a Wisconsin corporation submits tariff filing per 35.13(a)(2)(iii: 2013_01_31_NSPW TREMPLO ACIF 2nd POI–132 to be effective 12/3/2012.

Filed Date: 1/31/13.

Accession Number: 20130131–5249.

Comments Due: 5 p.m. ET 2/21/13.

Docket Numbers: ER13–858–000.

Applicants: Alliant Energy Corporate Services, Inc.

Description: Alliant Energy Corporate Services, Inc. submits tariff filing per 35.13(a)(2)(iii: AECS Notice of Succession and Updated Rate Schedule 2 to be effective 1/1/2013.

Filed Date: 1/31/13.

Accession Number: 20130131–5288.

Comments Due: 5 p.m. ET 2/21/13.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA12–4–000.

Applicants: Ashtabula Wind, LLC, Ashtabula Wind II, LLC, Ashtabula Wind III, LLC, Backbone Mountain Windpower LLC, Badger Windpower, LLC, Baldwin Wind, LLC, Bayswater Peaking Facility, LLC, Blackwell Wind, LLC, Butler Ridge Wind Energy Center, LLC, Cimarron Wind Energy, LLC, Crystal Lake Wind, LLC, Crystal Lake Wind II, LLC, Crystal Lake Wind III, LLC, Day County Wind, LLC, Diablo Winds, LLC, Elk City Wind, LLC, Elk City II Wind, LLC, Ensign Wind, LLC, ESI Vansycle Partners, L.P., Florida Power & Light Co., FPL Energy Burleigh County Wind, LLC, FPL Energy Cabazon Wind, LLC, FPL Energy Cape, LLC, FPL Energy Cowboy Wind, LLC, FPL Energy Green Power Wind, LLC, FPL Energy Hancock County Wind, LLC, FPL Energy Illinois Wind, LLC, FPL, Energy Maine Hydro LLC, FPL Energy Marcus Hook, L.P., FPL Energy MH50 L.P., FPL Energy Montezuma Wind, LLC, FPL Energy Mower County, LLC, FPL Energy New Mexico Wind, LLC, FPL Energy North Dakota Wind, LLC, FPL Energy North Dakota Wind II, LLC, FPL Energy Oklahoma Wind, LLC, FPL Energy Oliver Wind I, LLC, FPL Energy Oliver Wind II, LLC, FPL Energy Sooner Wind, LLC, FPL Energy South Dakota Wind, LLC, FPL Energy Stateline II, Inc., FPL Energy Vansycle, LLC, FPL Energy Wyman, LLC, FPL Energy Wyman IV, LLC, FPL Energy Wyoming, LLC, Garden Wind, LLC, Gray County Wind Energy, LLC, Hatch Solar Energy Center I, LLC, Hawkeye Power Partners, LLC, High Majestic Wind Energy Center, LLC, High Winds, LLC, High Majestic Wind II, LLC, Jamaica Bay Peaking Facility, LLC, Lake Benton Power Partners II, LLC, Langdon Wind, LLC, Limon Wind, LLC, Limon Wind II, LLC, Logan Wind Energy LLC, Meyersdale Windpower LLC, Mill Run Windpower, LLC, Minco Wind, LLC, Minco Wind II, LLC, Minco Wind III, LLC, Minco Wind Interconnection Services, LLC, NEPM II, LLC, NextEra Energy Duane Arnold, LLC, NextEra Energy Montezuma II Wind, LLC, NextEra Energy Power Marketing, LLC, NextEra Energy Point Beach, LLC, NextEra Energy Seabrook, LLC, NextEra Energy Services Massachusetts, LLC, Northeast Energy Associates, A Limited Partnership, North Jersey Energy Associates, A Limited Partnership, North Sky River Energy, LLC, Northern Colorado Wind Energy, LLC, Osceola Windpower, LLC, Osceola Windpower II, LLC, Paradise Solar Urban Renewal, L.L.C., Peetz Table Wind Energy, LLC, Pennsylvania Windfarms, Inc., Perrin Ranch Wind, LLC, Red Mesa Wind, LLC, Sky River LLC, Somerset Windpower, LLC, Story Wind, LLC, Tuscola Bay Wind, LLC, Vasco Winds, LLC, Victory Garden Phase IV, LLC, Waymart Wind Farm, L.P., Wessington Wind Energy Center, LLC, White Oak Energy LLC, Wilton Wind II, LLC, Windpower Partners 1993, L.P.

Description: Quarterly Land Acquisition Report of NextEra Energy Companies.

Filed Date: 1/31/13.

Accession Number: 20130131–5270.

Comments Due: 5 p.m. ET 2/21/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 31, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–03014 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–674–002.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: 02–01–13 Errata filing Att O, GG, MM to be effective 1/1/2013.

Filed Date: 2/4/13.

Accession Number: 20130204–5001.

Comments Due: 5 p.m. ET 2/25/13.

Docket Numbers: ER13–692–001.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: 2013–02–01 OASIS Errata to be effective 3/4/2013.

Filed Date: 2/4/13.

Accession Number: 20130204–5000.

Comments Due: 5 p.m. ET 2/25/13.

Docket Numbers: ER13–762–001.

Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

Description: Correction to Reimbursement Agreement No. 1949 between Nat'l Grid and Edge Corp. to be effective 10/19/2012.

Filed Date: 2/4/13.

Accession Number: 20130204–5106.

Comments Due: 5 p.m. ET 2/25/13.

Docket Numbers: ER13–875–000.

Applicants: Southern California Edison Company.

Description: Revised Added Facilities Rate Interconnection Agmts under Trans Owner Tariff to be effective 1/1/2013.

Filed Date: 2/4/13.

Accession Number: 20130204–5002.

Comments Due: 5 p.m. ET 2/25/13.

Docket Numbers: ER13–876–000.

Applicants: ISO New England Inc.

Description: Conforming Filing to be effective 1/15/2013.

Filed Date: 2/4/13.

Accession Number: 20130204–5036.

Comments Due: 5 p.m. ET 2/25/13.

Docket Numbers: ER13–877–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits Notice of Cancellation of Wholesale Market Participation

Agreement Dynamic Energy Resources, LLC, et al.
Filed Date: 2/4/13.
Accession Number: 20130204–5090.
Comments Due: 5 p.m. ET 2/25/13.

Docket Numbers: ER13–878–000.
Applicants: Southwest Power Pool, Inc.
Description: Revisions to Attachment AE, Section 1.2.2 to be effective 4/1/2012.
Filed Date: 2/4/13.
Accession Number: 20130204–5092.
Comments Due: 5 p.m. ET 2/25/13.

Docket Numbers: ER13–879–000.
Applicants: Josco Energy Corp.
Description: Josco Energy Baseline MBR Filing to be effective 3/8/2013.
Filed Date: 2/4/13.
Accession Number: 20130204–5096.
Comments Due: 5 p.m. ET 2/25/13.

Docket Numbers: ER13–880–000.
Applicants: Southwest Power Pool, Inc.
Description: Ministerial Revisions to Attachment V to be effective 1/15/2013.
Filed Date: 2/4/13.
Accession Number: 20130204–5107.
Comments Due: 5 p.m. ET 2/25/13.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH13–13–000.
Applicants: Oaktree Capital Group, LLC.
Description: Oaktree Capital Group, LLC submits FERC–65–B Waiver Notification.
Filed Date: 2/4/13.
Accession Number: 20130204–5093.
Comments Due: 5 p.m. ET 2/25/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 4, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–03015 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP13–498–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Penalty Revenue Crediting Report of Midcontinent Express Pipeline LLC.
Filed Date: 1/31/13.
Accession Number: 20130131–5040.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–499–000.
Applicants: Kinder Morgan Louisiana Pipeline LLC.
Description: Penalty Revenue Crediting Report of Kinder Morgan Louisiana Pipeline LLC.
Filed Date: 1/31/13.
Accession Number: 20130131–5042.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–500–000.
Applicants: Northern Natural Gas Company.
Description: 20130131 Negotiated Rate to be effective 2/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5075.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–501–000.
Applicants: Millennium Pipeline Company, L.L.C.
Description: Annual Operations Transactions Report of Millennium Pipeline Company, L.L.C.
Filed Date: 1/31/13.
Accession Number: 20130131–5086.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–502–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: NAESB Copyright Waiver to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5103.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–503–000.
Applicants: Big Sandy Pipeline, LLC.
Description: NAESB Copyright Waiver to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5104.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–504–000.
Applicants: Bobcat Gas Storage.
Description: NAESB Copyright Waiver to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5105.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–505–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: NAESB Copyright Waiver to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5106.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–506–000.
Applicants: Egan Hub Storage, LLC.
Description: NAESB Copyright Waiver to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5121.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–507–000.
Applicants: Gulfstream Natural Gas System, L.L.C.
Description: NAESB Copyright Waiver to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5128.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–508–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: NAESB Copyright Waiver to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5138.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–509–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 01/31/13 Negotiated Rates—Barclays (RTS)—7055–35 & 38 to be effective 2/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5141.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–510–000.
Applicants: Ozark Gas Transmission, L.L.C.
Description: NAESB Copyright Waiver to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5144.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–511–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: Great Lakes Gas Transmission Limited Partnership Transporter's Use Report.
Filed Date: 1/31/13.
Accession Number: 20130131–5145.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–512–000.
Applicants: Saltville Gas Storage Company L.L.C.
Description: NAESB Copyright Waiver to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5151.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–513–000.

Applicants: Steckman Ridge, LP.
Description: NAESB Copyright Waiver to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5163
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–514–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: NAESB Copyright Waiver to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5174.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–515–000.
Applicants: Southeast Supply Header, LLC.
Description: NAESB Copyright Waiver to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5191.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–516–000.
Applicants: Big Sandy Pipeline, LLC.
Description: Big Sandy Fuel Filing effective 3–1–13.
Filed Date: 1/31/13.
Accession Number: 20130131–5209.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–517–000.
Applicants: Texas Eastern Transmission, LP.
Description: ConocoPhillips 2–1–2013 Negotiated Rate to be effective 2/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5220.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–518–000.
Applicants: Central New York Oil and Gas, L.L.C.
Description: Central New York Oil and Gas Company, LLC—Restoration of Accepted Tari—Clone to be effective 12/1/2012.
Filed Date: 1/31/13.
Accession Number: 20130131–5257.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–519–000.
Applicants: Gas Transmission Northwest LLC.
Description: Gas Transmission Northwest LLC Annual Report on Deferred Revenue Recovery Mechanism and Revenue Reconciliation for the Medford Lateral.
Filed Date: 1/31/13.
Accession Number: 20130131–5280.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–520–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: Michigan Consolidated FT Agmts to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5289.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–521–000.
Applicants: ANR Pipeline Company.
Description: 16 Non-Conforming Agreements to be effective 3/4/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5330.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–522–000.
Applicants: Dominion Transmission, Inc.
Description: DTI—January 31, 2013 Negotiated Rate Agreements to be effective 2/1/2013.
Filed Date: 1/31/13.
Accession Number: 20130131–5352.
Comments Due: 5 p.m. ET 2/12/13.

Docket Numbers: RP13–523–000.
Applicants: Equitrans, L.P.
Description: Revised Negotiated Rate Service Agreement—Rice Drilling B LLC to be effective 2/1/2013.
Filed Date: 2/1/13.
Accession Number: 20130201–5034.
Comments Due: 5 p.m. ET 2/13/13.

Docket Numbers: RP13–524–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Non-conforming Agreements Cleanup Filing—Feb 2013 to be effective 3/4/2013.
Filed Date: 2/1/13.
Accession Number: 20130201–5041.
Comments Due: 5 p.m. ET 2/13/13.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 1, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–03013 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–4501–005; ER12–2448–003; ER12–979–003; ER11–4498–004; ER11–4499–004.
Applicants: Caney River Wind Project, LLC, Chisholm View Wind Project, LLC, Rocky Ridge Wind Project, LLC, Smoky Hills Wind Farm, LLC, Smoky Hills Wind Project II, LLC.
Description: Updated Market Power Analysis for the Southwest Power Pool, Inc. Region of Caney River Wind Project, LLC, *et al.*
Filed Date: 02/01/2013.
Accession Number: 20130201–5236.
Comments Due: 5 p.m. ET 4/2/13.

Docket Numbers: ER13–868–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: 2–1–2013 Module E–2 Filing to be effective 4/2/2013.
Filed Date: 2/1/13.
Accession Number: 20130201–5157.
Comments Due: 5 p.m. ET 2/22/13.

Docket Numbers: ER13–869–000.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing re: inclusion of TB 217 within the tariffs to be effective 4/2/2013.
Filed Date: 2/1/13.
Accession Number: 20130201–5181.
Comments Due: 5 p.m. ET 2/22/13.

Docket Numbers: ER13–870–000.
Applicants: Kansas City Power & Light Company.
Description: Rate Schedule 54 Kansas BPU Filing to be effective 3/15/2013.
Filed Date: 2/1/13.
Accession Number: 20130201–5182.
Comments Due: 5 p.m. ET 2/22/13.

Docket Numbers: ER13–871–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: 2013–02–01 SA 2506 ITC-Pheasant Run E&P to be effective 1/3/2013.
Filed Date: 2/1/13.
Accession Number: 20130201–5201.
Comments Due: 5 p.m. ET 2/22/13.

Docket Numbers: ER13–872–000.
Applicants: California Independent System Operator Corporation.
Description: 2013–02–01 Market-Based Rate Authority Suspension to be effective 4/1/2013.
Filed Date: 2/1/13.
Accession Number: 20130201–5207.
Comments Due: 5 p.m. ET 2/22/13.

Docket Numbers: ER13–873–000.
Applicants: New England Power Pool Participants Committee.
Description: Feb 2013 Membership Filing to be effective 1/1/2013.
Filed Date: 2/1/13.
Accession Number: 20130201–5209.
Comments Due: 5 p.m. ET 2/22/13.

Docket Numbers: ER13–874–000.
Applicants: Rocky Mountain Reserve Group.
Description: 20130201_RMRG Agreement to be effective 4/1/2013.
Filed Date: 2/1/13.
Accession Number: 20130201–5215.
Comments Due: 5 p.m. ET 2/22/13.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA07–35–007.
Applicants: Cleco Power LLC.
Description: Cleco Power LLC's 2012 Informational Filing of Operational Penalty Assessments and Distributions as Required by Order Nos. 890 and 890–A.
Filed Date: 2/1/13.
Accession Number: 20130201–5239.
Comments Due: 5 p.m. ET 2/22/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 4, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–03016 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP13–492–000.
Applicants: Trunkline Gas Company, LLC.
Description: Contract Assignment to be effective 2/1/2013.
Filed Date: 1/30/13.
Accession Number: 20130130–5060.
Comments Due: 5 p.m. ET 2/11/13.

Docket Numbers: RP13–493–000.
Applicants: Trunkline Gas Company, LLC.
Description: Update GT&C Section 26 to be effective 2/1/2013.
Filed Date: 1/30/13.
Accession Number: 20130130–5061.
Comments Due: 5 p.m. ET 2/11/13.

Docket Numbers: RP13–494–000.
Applicants: Alliance Pipeline L.P.
Description: Feb 1–28 2013 Auction to be effective 2/1/2013.
Filed Date: 1/30/13.
Accession Number: 20130130–5173.
Comments Due: 5 p.m. ET 2/11/13.

Docket Numbers: RP13–495–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 01/30/13 Negotiated Rates—Citigroup Energy Inc. (RTS)—6075–04 & 05 Amend 3 to be effective 2/1/2013.
Filed Date: 1/30/13.
Accession Number: 20130130–5226.
Comments Due: 5 p.m. ET 2/11/13.

Docket Numbers: RP13–496–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 01/30/13 Negotiated Rates—ConocoPhillips Amend 2 (RTS) 30159–19 & 20 to be effective 2/1/2013.
Filed Date: 1/30/13.
Accession Number: 20130130–5227.
Comments Due: 5 p.m. ET 2/11/13.

Docket Numbers: RP13–497–000.
Applicants: TransColorado Gas Transmission Company L.
Description: Permanent Capacity Release Waiver Request.
Filed Date: 1/30/13.
Accession Number: 20130130–5304.
Comments Due: 5 p.m. ET 2/11/13.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 31, 2013.

Nathaniel J. Davis, Sr.

Deputy Secretary

[FR Doc. 2013–03017 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. TS13–1–000]

Valley Electric Association, Inc.; Notice of Filing

Take notice that on February 1, 2013, Valley Electric Association, Inc. filed a notice of material changes in certain of the facts underlying its waiver of the Federal Energy Regulatory Commission's (Commission) Standards of Conduct and a request for continuance of waiver pursuant to the Commission's May 21, 2009 Order, *Material Changes in Facts Underlying Waiver of Order No. 889 and Part 358 of the Commission's Regulations,* 127 FERC ¶ 61,141 (2009), 18 CFR 35.28(e)(2) and 358.1(d), and Rules 101(e) and 207 of the Commission's Rules of Practice and Procedure.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the

''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERC OnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on February 22, 2013.

Dated: February 5, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–03008 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. FA11–21–000]

North American Electric Reliability Corporation; Notice of Filing

Take notice that on February 1, 2013, the North American Electric Reliability Corporation (NERC) submitted a compliance filing in accordance with the Federal Energy Regulatory Commission's Order (FERC or Commission) in *North American Electric Reliability Corporation,* 141 FERC ¶ 61,086 (2012) (November 2 Order).

Any person desiring to comment on this filing must file in accordance with the Commission's Rules of Practice and Procedure. Such comments must be filed on or before the comment date. On or before the comment date, it is not necessary to serve comments on persons other than the Applicant.

The Commission encourages electronic submission of comments in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the comments to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on February 22, 2013.

Dated: February 4, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–02932 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8315–010]

Verso Sartell LLC, AIM Development (USA) LLC; Notice of Application for Transfer of License, and Soliciting Comments and Motions To Intervene

On January 31, 2013, Verso Sartell LLC (transferor) and the AIM Development (USA) LLC (transferee) filed an application for the transfer of license for the Sartell Dam Project (FERC No. 8315), located on the Mississippi River in Stearns and Benton counties, Minnesota.

Applicants seek Commission approval to transfer the license for the Sartell Dam Project from the transferor to the transferee. The project is currently not producing power due to the permanent closure of the Sartell Paper Mill; which was the sole recipient of project power. Transferee plans to return ability of the project to provide consumable electricity.

Applicants' Contact: Transferor: Mr. Robert C. Fallon, Esq., Leonard, Street & Deinard, PA, 1350 I Street NW., Suite 800, Washington, DC 20005, telephone (202) 346–6910. Transferee: Mr. Jeffrey L. McGlin, General Manager, AIM Development (USA) LLC, 433 N. Main Street, Kimberly, WI 54136, telephone (920) 470–1061.

FERC Contact: Patricia W. Gillis (202) 502–8735, *patricia.gillis@ferc.gov.*

Deadline for filing comments and motions to intervene: 15 days from the issuance date of this notice. Comments and motions to intervene may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1) and the instructions on the Commission's Web site under *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original plus seven copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. More information about this project can be viewed or printed on the eLibrary link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–8315) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Dated: February 5, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–03010 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14453–000]

Prineville Energy Storage, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On August 31, 2012, Prineville Energy Storage, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Prineville Pumped Storage Project (project) to be located on Prineville Reservoir, near Prineville in Crook County, Oregon. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 40-foot-high, 6,580-foot-long upper concrete-faced rockfill or roller-compacted concrete dam; (2) an upper reservoir with surface area of 57 acres, storage capacity of 2,260 acre-feet, and maximum pool elevation of 3,920 feet mean sea level (msl); (3) a 245-foot-high, 800-foot-long lower earthfill dam; (4) a lower reservoir with surface area of 3,030 acres, storage capacity of 154,700 acre-feet, and maximum pool elevation of 3,234 feet msl; (5) two, 10-foot-diameter, 2,630-foot-long buried or semi-buried steel headrace conduits; (6) a 150-foot-long, 40-foot-wide, 100-foot-high underground powerhouse

containing three reversible pump-turbines with total installed capacity of 150 megawatts; (7) two, 11-foot-diameter, 600-foot-long buried steel tailrace conduits; (8) a 15.6 to 16.2 mile, 115-kilovolt overhead transmission line extending from the powerhouse to either: (i) the Pacific Direct Current Intertie (PDCI) line and then running parallel to the PDCI to the Ponderosa substation, or (ii) the Bonneville Power Administration (BPA) existing transmission line corridor and then running parallel to the BPA line to the Ponderosa substation; and (9) appurtenant facilities. The estimated annual generation of the project would be 394 gigawatt-hours.

Applicant Contact: Mr. Matthew Shapiro, Chief Executive Officer, Prineville Energy Storage, LLC, 1210 W. Franklin Street, Ste. 2, Boise, Idaho 83702; phone: (208) 246–9925.

FERC Contact: John Matkowski; phone: (202) 502–8576.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14453) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: February 5, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–03011 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission's staff may attend the following meetings related to the interregional transmission planning activities of the Southwest Power Pool (SPP):

SPP Seams FERC Order 1000 Task Force Meeting—February 5, 2013

The above-referenced meeting will be a teleconference and is open to the public.

Further information may be found at *www.spp.org.*

The discussions at the meeting described above may address matters at issue in the following proceedings:

Docket No. ER09–35–001, *Tallgrass Transmission, LLC*

Docket No. ER09–36–001, *Prairie Wind Transmission, LLC*

Docket No. ER09–548–001, *ITC Great Plains, LLC*

Docket No. ER09–659–002, *Southwest Power Pool, Inc.*

Docket No. ER11–4105–000, *Southwest Power Pool, Inc.*

Docket No. EL11–34–001, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–1401–000, *Southwest Power Pool, Inc.*

Docket No. ER12–1402–000, *Southwest Power Pool, Inc.*

Docket No. ER12–1415–000, *Southwest Power Pool, Inc.*

Docket No. ER12–1460–000, *Southwest Power Pool, Inc.*

Docket No. ER12–1586–000 *et al., Southwest Power Pool, Inc.*

Docket No. ER12–1610–000, *Southwest Power Pool, Inc.*

Docket No. ER12–1772–000, *Southwest Power Pool, Inc.*

Docket No. ER12–2366–000, *Southwest Power Pool, Inc.*

Docket No. EL12–2–000, *Southwest Power Pool, Inc.*

Docket No. EL12–60–000, *Southwest Power Pool, Inc., et al.*

Docket No. ER12–2387–000 *et al., Southwest Power Pool, Inc.*

Docket No. ER13–366–000, *Southwest Power Pool, Inc.*

Docket No. ER13–367–000, *Southwest Power Pool, Inc.*

For more information, contact Luciano Lima, Office of Energy Markets Regulation, Federal Energy Regulatory Commission at (202) 288–6738 or *Luciano.Lima@ferc.gov.*

Dated: February 4, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–02931 Filed 2–8–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0539; FRL–9377–9]

Pesticides; Draft Guidance for Pesticide Registrants on Antimicrobial Pesticide Products With Mold-Related Label Claims; Notice of Availability; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: EPA issued a draft Pesticide Registration (PR) notice in the **Federal Register** issue of December 12, 2012, requesting comments on Guidance for Antimicrobial Pesticide Products with Mold-Related Label Claims. This document extends the comment period for 60 days, from February 11, 2013 to April 12, 2013.

DATES: Comments, identified by docket identification (ID) number EPA–HQ–OPP–2010–0539 must be received on or before April 12, 2013.

ADDRESSES: Follow the detailed instructions as provided under **ADDRESSES** in the **Federal Register** document of December 12, 2012.

FOR FURTHER INFORMATION CONTACT: Melba S. Morrow, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–2716; email address: *morrow.melba@epa.gov.*

SUPPLEMENTARY INFORMATION: This document extends the public comment period established in the **Federal Register** issue of December 12, 2012 (77 FR 74003) (FRL–9362–3). In that document, EPA requested comment on a draft PR notice that provided guidance for antimicrobial pesticide products with mold-related claims. In response to comments from stakeholders requesting additional time to comment, EPA is hereby extending the comment period. The comment period, which was

set to end on February 11, 2013, is extended to April 12, 2013.

To submit comments, or access the docket, please follow the detailed instructions as provided under **ADDRESSES** in the December 12, 2012 **Federal Register** document. If you have questions, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 5, 2013.

Steven Bradbury,

Director, Office of Pesticide Programs.

[FR Doc. 2013–03032 Filed 2–8–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

National Advisory Council for Environmental Policy and Technology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92463, EPA gives notice of a public meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice to the EPA Administrator on a broad range of environmental policy, technology, and management issues. NACEPT represents diverse interests from academia, industry, non-governmental organizations, and local, State, and tribal governments.

The purpose of this meeting is for NACEPT to discuss and approve draft recommendations in response to the National Academy of Sciences' report on ''Sustainability and the U.S. EPA.'' NACEPT's second letter on sustainability will address two topics: (1) What strengths EPA can leverage to successfully deploy sustainability practices across the Agency, and (2) what 3–5 year breakthrough objectives are related to sustainability implementation and recommended measurement systems for assessing progress toward EPA's sustainability vision. A copy of the agenda for the meeting will be posted at *http://www.epa.gov/ofacmo/nacept/cal-nacept.htm.*

DATES: NACEPT will hold a two-day public meeting on Thursday, March 7, 2013, from 9:00 a.m. to 5:30 p.m. (EST) and Friday, March 8, 2013, from 8:30 a.m. to 2:00 p.m. (EST).

ADDRESSES: The meeting will be held at the U.S. EPA East Building, 1201 Constitution Avenue NW., Room 1117, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Mark Joyce, Acting Designated Federal Officer, at *joyce.mark@epa.gov,* (202) 564–2130, U.S. EPA, Office of Federal Advisory Committee Management and Outreach (1601M), 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make oral comments or to provide written comments to NACEPT should be sent to Eugene Green at *green.eugene@epa.gov* by Thursday, February 28, 2013. The meeting is open to the public, with limited seating available on a first-come, first-served basis. Members of the public wishing to attend should contact Eugene Green at *green.eugene@epa.gov* or (202) 564–2432 by February 28, 2013.

Meeting Access: Information regarding accessibility and/or accommodations for individuals with disabilities should be directed to Eugene Green at the email address or phone number listed above. To ensure adequate time for processing, please make requests for accommodations at least 10 days prior to the meeting.

Dated: January 29, 2013.

Mark Joyce,

Acting Designated Federal Officer.

[FR Doc. 2013–02929 Filed 2–8–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL—9778–2]

Notification of a Public Meeting of the Chartered Science Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces a public meeting of the chartered SAB to: (1) Receive an update briefing on the EPA's Office of Research and Development's (ORD) implementation of strategic research plans; (2) conduct quality reviews of three draft SAB reports [on the use of computational toxicology (CompTox) to advance risk assessment; on EPA's retrospective study of the costs of EPA regulations; and on methodologies for estimating air emissions for broiler animal feeding operations and for lagoons and basins at swine and dairy animal feeding operations]; and (3) to discuss information provided in the agency's regulatory agenda, specifically planned actions and their supporting science.

DATES: The public meeting will be held on Thursday, March 7, 2013, from 10:30 a.m. to 6:00 p.m. and Friday, March 8, 2013, from 8:00 a.m. to 1:00 p.m. (Eastern Daylight Time).

ADDRESSES: The meeting will be held at the Washington Marriott, 1221 22nd Street NW., Washington, DC, 20037.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants further information concerning the meeting may contact Dr. Angela Nugent, Designated Federal Officer (DFO), EPA Science Advisory Board (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; via telephone/voice mail (202) 564–2218, fax (202) 565–2098; or email at *nugent.angela@epa.gov*. General information concerning the SAB can be found on the EPA Web site at *http://www.epa.gov/sab*.

SUPPLEMENTARY INFORMATION:

Background

The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the SAB will hold a public meeting to discuss and deliberate on the topics below.

Briefing on Implementation of ORD Strategic Research Plans

The SAB and ORD's Board of Scientific Councilors (BOSC) provided a joint report to the Administrator in September 2012 entitled *Implementation of ORD Strategic Research Plans: A Joint Report of the Science Advisory Board and ORD Board of Scientific Counselors* (EPA–SAB–12–012). ORD will provide a briefing to update SAB members on recent significant ORD activities to implement the recommendations in the ORD–BOSC report, available on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/3822EB089*

FCCB18D85257A8700800679/$File/EPA–SAB–12–012-unsigned.pdf.

Draft SAB Report on the Use of CompTox To Advance Risk Assessment

The chartered SAB will conduct a quality review of a draft report providing advice to assist the EPA in advancing the application of ORD's CompTox research for human health risk assessment to meet the agency's programmatic needs. The SAB undertook this initiative to identify applications for outputs from the CompTox Research Program, barriers to their use, and strategies for overcoming those barriers. The CompTox Research Program conducts research that integrates advances in molecular biology, chemistry and innovative computer science to more effectively and efficiently rank chemicals based on risks. The goal of the CompTox Research Program is to provide high-throughput chemical screening data and decision support tools for assessing chemical exposure, hazard, and risk to human health and the environment. Information about this advisory activity can be found on the Web at: *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/CompTox%20data%20in%20RA?OpenDocument*.

Draft SAB Report on EPA's Retrospective Study of the Costs of EPA Regulations

The chartered SAB will conduct a quality review of a draft report providing a review of the EPA's retrospective study of the costs of EPA regulations. The EPA conducts benefit-cost analyses of its rules and regulations and strives to use the best available information to conduct its analyses. Benefit-cost analyses are by definition predictive, relying on *ex ante* or forecasted information. To improve future benefit-cost analyses, it is important to learn how well EPA's estimates compare with actual (*ex post*) costs and, if they differ substantially, to understand why. EPA's National Center for Environmental Economics prepared a series of case studies attempting to assess compliance costs retrospectively that, if successful, could help identify reasons for any systematic differences between *ex ante* and *ex post* cost estimates. The EPA requested the SAB's review of its approach to assessing *ex post* costs as detailed in a draft paper entitled ''Retrospective Study of the Costs of EPA Regulations: An Interim Report'' (March 2012). Information about this advisory activity can be found on the Web at: *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/Retrospective%20Cost%20Study?OpenDocument*.

Draft Report on EPA's Emissions Estimation Methodologies (EEMs) From Broiler Animal Feeding Operations and From Lagoons and Basins at Swine and Dairy Animal Feeding Operations

The chartered SAB will conduct a quality review of a draft report providing review of EPA's draft methodologies for estimating air emissions from animal feeding operations (AFOs). The EPA developed the draft methodologies to address commitments in a voluntary air compliance consent agreement signed in 2005 between the agency and nearly 14,000 broiler, dairy, egg layer and swine AFO operations. The goals of the agreement are to reduce air pollution, monitor AFO emissions, promote a national consensus on methodologies for estimating emissions from AFOs, and ensure compliance with the requirements of the Clean Air Act, the Comprehensive Environmental Response, Compensation, and Liability Act and the Emergency Planning and Community Right-to-Know Act. The EPA's Office of Air and Radiation has requested the SAB review. Information about this advisory activity can be found on the Web at: *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/AFO–AEEM?OpenDocument*.

Discussion of Information Provided in the Agency's Semiannual Regulatory Agenda

The EPA has recently underscored the need to routinely inform the SAB about proposed and planned agency actions that have a scientific or technical basis. Accordingly, the agency provided notice to the SAB that the Office of Management and Budget published the ''Unified (Regulatory) Agenda'' on the Web on December 21, 2012 (*http://www.reginfo.gov/public/*). The SAB will discuss whether it should provide advice and comment on the adequacy of the scientific and technical basis for EPA actions included in the Agenda.

Availability of Meeting Materials: A meeting agenda and other materials for the meeting will be placed on the SAB Web site at *http://epa.gov/sab*.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit relevant comments pertaining to the EPA's charge, meeting materials, or the group providing advice. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for the SAB to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should contact the DFO directly.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public meeting will be limited to five minutes. Persons interested in providing oral statements at the March 7–8, 2013, meeting should contact Dr. Angela Nugent, DFO, in writing (preferably via email) at the contact information noted above by February 27, 2013. *Written Statements:* Written statements for the March 7–8, 2013, meeting should be received in the SAB Staff Office by February 27, 2013, so that the information may be made available to the SAB for its consideration prior to this meeting. Written statements should be supplied to the DFO in the following formats: either an electronic copy (preferred) via email (acceptable file format: Adobe Acrobat PDF, MS Word, WordPerfect, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format) or in hard copy with original signature. Submitters are asked to provide electronic versions of each document submitted with and without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Nugent at the phone number or email address noted above, preferably at least ten days prior to the meeting, to give the EPA as much time as possible to process your request.

Dated: January 30, 2013.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2013–02925 Filed 2–8–13; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on February 14, 2013, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available) and parts will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

Approval of Minutes

- January 10, 2013.

New Business

- Spring 2013 Abstract of the Unified Agenda of Federal Regulatory and Deregulatory Actions and Spring Regulatory Projects Plan.

Closed Session*

- Office of Secondary Market Oversight Quarterly Report.

Dated: February 6, 2013.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2013–03191 Filed 2–7–13; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, February 12, 2013, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' Meetings.

Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and resolution re: Definition of Insured Deposit.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

This Board meeting will be Webcast live via the Internet and subsequently made available on-demand approximately one week after the event. Visit *http://www.vodium.com/goto/fdic/boardmeetings.asp* to view the event. If you need any technical assistance, please visit our Video Help page at: *http://www.fdic.gov/video.html.*

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call 703–562–2404 (Voice) or 703–649–4354 (Video Phone) to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at 202–898–7043.

Dated: February 5, 2013.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2013–03140 Filed 2–7–13; 11:15 am]

BILLING CODE P

FEDERAL ELECTION COMMISSION

Sunshine Act Notice

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, February 14, 2013 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of the Minutes for the Meeting of January 31, 2013

Draft Advisory Opinion 2012–38: Socialist Workers Party

Proposed Final Audit Report on McCain-Palin 2008 Inc. and McCain-Palin Compliance Fund, Inc.

Proposed Final Audit Report on the Maine Republican Party (A09–09)

Proposed Final Audit Report on Rightmarch.com PAC, Inc. (A09–25)

Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2013–03224 Filed 2–7–13; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: *Background.* On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act (PRA), pursuant to 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR part 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements, and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before April 12, 2013.

ADDRESSES: You may submit comments, identified by FR G–FIN, FR G–FINW, FR

* Session Closed-Exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

MSD–4, FR MSD–5, FR 4004, or FR 4198, by any of the following methods:

- Agency Web site: *www.federalreserve.gov.* Follow the instructions for submitting comments at *www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- Federal eRulemaking Portal: *www.regulations.gov.* Follow the instructions for submitting comments.
- Email: *regs.comments@federalreserve.gov.* Include the OMB control number in the subject line of the message.
- FAX: 202–452–3819 or 202–452–3102.
- Mail: Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to 202–395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Cynthia Ayouch—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposals

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Minor Revision, the Following Report

Report title: Uniform Application for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer; Uniform Termination Notice for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer.

Agency form number: FR MSD–4; FR MSD–5.

OMB control number: 7100–0100; 7100–0101.

Frequency: On occasion.

Reporters: State member banks, bank holding companies, and foreign dealer banks that are municipal securities dealers.

Estimated annual reporting hours: FR MSD–4, 20 hours; FR MSD–5, 13 hours.

Estimated average hours per response: FR MSD–4, 1 hour; FR MSD–5, 0.25 hours.

Number of respondents: FR MSD–4, 20; FR MSD–5, 50.

General description of report: These information collections are mandatory pursuant to the Federal Reserve Act (12 U.S.C. 248(a)(1)) for state member banks and (12 U.S.C. 3105(c)(2)) for foreign bank branches and agencies. Sections 15B(a)–(b) and 17 of the Securities Exchange Act (the Act) (15 U.S.C 78o–4(a)–(b) and 78q) authorize the Securities Exchange Commission (SEC) and Municipal Securities Rulemaking Board (MSRB) to promulgate rules requiring municipal security dealers to file reports about associated persons with the SEC and the appropriate regulatory agencies (ARAs). In addition, Section 15B(c) of the Act provides that ARAs may enforce compliance with the SEC's and MSRB's rules. 15 U.S.C. 78o–4(c). Section 23(a) of the Act also authorizes the SEC, the Federal Reserve Board, and the other ARAs to make rules and regulations in order to implement the provisions of the Act. 15 U.S.C. 78w(a). The Federal Reserve Board is the ARA for municipal securities dealers that are state member banks and their divisions or departments, and for state branches or agencies of foreign banks that engage in municipal security dealer activities. 15 U.S.C. 78c(a)(34)(A)(ii). Accordingly, the Federal Reserve Board's collection of Form MSD–4 and MSD–5 for these institutions is authorized pursuant to 15 U.S.C. 78o–4, 78q, and 78w. Under the Freedom of Information Act, the Federal Reserve Board regards the information provided by each respondent as confidential (5 U.S.C. 552(b)(6)).

Abstract: These mandatory information collections are submitted on occasion by state member banks (SMBs), bank holding companies (BHCs), and foreign dealer banks that are municipal securities dealers. The FR MSD 4 collects information (such as personal history and professional qualifications) on an employee whom the bank wishes to assume the duties of municipal securities principal or representative. The FR MSD 5 collects the date of, and reason for, termination of such an employee.

Current Actions: On September 13, 2011, the MSRB (MSRB Notice 2011–54) announced the creation of a new designation of registered person—Municipal Securities Sales Limited Representative—which is a sub-category of Municipal Securities Representative. To conform to MSRB Notice 2011–54, the Federal Reserve proposes to make a minor revision to the FR MSD–4 to add the Municipal Securities Sales Limited Representative as a new type of qualification. The proposed reporting form, in all other respects, would preserve the structure of the current reporting form. Changes to the FR MSD–5 are not required at this time.

Proposals To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Reports

1. *Report title:* Written Security Program for State Member Banks.

Agency form number: FR 4004.

OMB control number: 7100–0112.

Frequency: On occasion.

Reporters: State member banks.

Estimated annual reporting hours: 22 hours.

Estimated average hours per response: 0.5 hours.

Number of respondents: 44.

General description of report: This recordkeeping requirement is mandatory pursuant to section 3 of the Bank Protection Act (12 U.S.C. 1882(a)) and Regulation H (12 CFR 208.61). Because written security programs are maintained at state member banks, no issue of confidentiality under the Freedom of Information Act normally arises. However, copies of such documents included in examination work papers would, in such form, be confidential pursuant to exemption 8 of the Freedom of Information Act (5 U.S.C. 552(b)(8)). In addition, the records may also be exempt from disclosure under exemption 4 of the Freedom of Information Act (5 U.S.C. 552(b)(4)).

Abstract: Each state member bank must develop and implement a written security program and maintain it in the bank's records. There is no formal reporting form and the information is not submitted to the Federal Reserve.

2. *Report title:* Notice by Financial Institutions of Government Securities Broker or Government Securities Dealer Activities; Notice by Financial Institutions of Termination of Activities as a Government Securities Broker or Government Securities Dealer.

Agency form number: FR G–FIN; FR G–FINW.

OMB control number: 7100–0224.

Frequency: On occasion.

Reporters: State member banks, foreign banks, uninsured state branches or state agencies of foreign banks, commercial lending companies owned or controlled by foreign banks, and Edge corporations.

Estimated annual reporting hours: 5 hours.

Estimated average hours per response: FR G–FIN, 1 hour; FR G–FINW, 0.25 hour.

Number of respondents: FR G–FIN, 4; FR G–FINW, 2.

General description of report: These information collections are mandatory pursuant to the Securities and Exchange Act of 1934 (15 U.S.C. 78o–5(a)(1)(B)) which requires a financial institution that is a broker or dealer of government securities dealer to notify the ARA that it is a government securities broker or a government securities dealer, or that it has ceased to act as such. In addition, 15 U.S.C. 78o–5(b)(1) directs the Treasury to adopt rules requiring every government securities broker and government securities dealer to collect information and to provide reports to the applicable ARA, and 15 U.S.C. 78o–5(c)(2)(B) authorizes ARAs to enforce compliance with the Treasury's rules. The Federal Reserve Board is an ARA. 15 U.S.C. 78c(a)(34)(G)(ii). Respondents file two copies of the notices directly with the Federal Reserve Board. Under the statute, the Federal Reserve Board forwards one copy to the SEC, and the notices are then made public by the SEC. 15 U.S.C. 78o–5(a)(l)(B)(iii). While the statute only requires the SEC to produce the notices to the public, the notices are also available to the public upon request made to the Federal Reserve Board. Accordingly, the Federal Reserve Board does not consider these data to be confidential.

Abstract: The Government Securities Act of 1986 (the Act) requires financial institutions to notify their ARA of their intent to engage in government securities broker or dealer activity, to amend information submitted previously, and to record their termination of such activity. The Federal Reserve is the ARA for state member banks, foreign banks, uninsured state branches or state agencies of foreign banks, commercial lending companies owned or controlled by foreign banks, and Edge corporations. The Federal Reserve uses the information in its supervisory capacity to measure compliance with the Act.

3. *Report title:* Funding and Liquidity Risk Management Guidance.

Agency form number: FR 4198.

OMB control number: 7100–0326.

Frequency: Funding and liquidity risk management guidance, Annually; Liquidity risk reports, monthly.

Reporters: Bank holding companies, state member banks, branches and agencies of foreign banking organizations, Edge and agreement corporations, and savings and loan holding companies.

Estimated annual reporting hours: Funding and liquidity risk management guidance, Large institutions, 25,920 hours; mid-sized institutions, 28,080 hours; small institutions, 520,720 hours; Liquidity risk reports, 317,520 hours.

Estimated average hours per response: Funding and liquidity risk management guidance, large institutions, 720 hours; mid-sized institutions, 240 hours; small institutions, 80 hours; Liquidity risk reports, 4 hours.

Number of respondents: Funding and liquidity risk management guidance, Large institutions, 36; mid-sized institutions, 117; small institutions, 6,509 ; Liquidity risk reports, 6,615.

General description of report: The Guidance is mandatory based on the following relevant statutory provisions.

- Section 9(6) of the Federal Reserve Act (12 U.S.C. 324) requires state member banks to make reports of condition to their supervising Reserve Bank in such form and containing such information as the Board may require.
- Section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)) requires a BHC and any subsidiary to keep the Board informed as to its financial condition, [and] systems for monitoring and controlling financial and operating risks.
- Section 7(c)(2) of the International Banking Act of 1978 (12 U.S.C. 3105(c)(2)) requires branches and agencies of foreign banking organizations to file reports of condition with the Federal Reserve to the same extent and in the same manner as if the branch or agency were a state member bank.
- Section 25A of the Federal Reserve Act (12 U.S.C. 625) requires Edge and agreement corporations to make reports to the Board at such time and in such form as it may require.
- Section 312 of the Dodd-Frank Act (12 U.S.C. 5412) succeeded to the Board all powers of the OTS and its Director, including the Director's authority to require SLHCs to ''maintain such books and records as may be prescribed by the Director.'' The original source for the authority of the OTS Director to examine S&Ls and SLHCs is contained in 12 U.S.C. 1467a(b)(3) of the Home Owners' Loan Act.

Because the records required by the Guidance are maintained at the institution, issues of confidentiality would not normally arise. Should the documents be obtained during the course of an examination, such information may be withheld from the public under the authority of the Freedom of Information Act, 5 U.S.C. 552 (b)(8). In addition, some or all of the information may be ''commercial or financial information'' protected from disclosure under 5 U.S.C. 552(b)(4).

Abstract: The Guidance summarizes the principles of sound liquidity risk management that the Office of the Comptroller of the Currency, the Federal Reserve, the Federal Deposit Insurance Corporation, and the National Credit Union Administration (the agencies), have issued in the past and, where

appropriate, brings them into conformance with the ''Principles for Sound Liquidity Risk Management and Supervision'' issued by the Basel Committee on Banking Supervision (BCBS) in September 2008. While the BCBS liquidity principles primarily focuses on large internationally active financial institutions, the Guidance emphasizes supervisory expectations for all domestic financial institutions including banks, thrifts and credit unions.

Two sections of the Guidance that fall under the definition of an information collection. Section 14 states that institutions should consider liquidity costs, benefits, and risks in strategic planning and budgeting processes. Section 20 requires that liquidity risk reports provide aggregate information with sufficient supporting detail to enable management to assess the sensitivity of the institution to changes in market conditions, its own financial performance, and other important risk factors.

Board of Governors of the Federal Reserve System, February 5, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–02922 Filed 2–8–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 8, 2013.

A. Federal Reserve Bank of San Francisco (Kenneth Binning, Vice President, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. Carpenter Fund Manager GP, LLC, Carpenter Fund Management Company, LLC, Carpenter Community Bancfund, L.P., Carpenter Community Bancfund-CA, L.P., Carpenter Bank Partners, Inc., and CCFW, Inc. (dba Carpenter & Company), all in Irvine, California; to acquire up to 38 percent of the voting shares of Pacific Mercantile Bancorp, and thereby indirectly acquire voting shares of Pacific Mercantile Bank, both in Costa Mesa, California.

Board of Governors of the Federal Reserve System, February 6, 2013.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2013–02990 Filed 2–8–13; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–00xx; Docket No. 2013–0001; Sequence 1]

Agency Information Collection Activities; Proposed Collection; Comment Request; MyGov

AGENCY: Office of Citizen Services; General Services Administration (GSA).

ACTION: Notice of a request for comments regarding a new generic information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act, this document announces that GSA is planning to submit a request for a new Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting this ICR to OMB for review and approval, GSA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Submit comments on or before: April 12, 2013.

ADDRESSES: Submit comments identified by Information Collection 3090–00XX; MyGov by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching for ''Information Collection 3090–00XX, MyGov''. Select the link ''Submit a Comment'' that corresponds with ''3090–00XX, MyGov''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–00XX, MyGov'' on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Ms. Flowers/IC 3090–00XX, MyGov.

Instructions: Please submit comments only and cite ''Information Collection 3090–00XX, MyGov'', in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Gershman, Presidential Innovation Fellow, Project MyGov via email at *gregory.gershman@gsa.gov* or at telephone number 202–501–0705.

SUPPLEMENTARY INFORMATION:

What information is GSA particularly interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, GSA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

What should I consider when I prepare my comments for GSA?

You may find the following suggestions helpful for preparing your comments.

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under **DATES**.

7. To ensure proper receipt by GSA, be sure to identify the ICR title on the first page of your response. You may also provide the **Federal Register** citation.

What information collection activity or ICR does this apply to?

Title: MyGov.

OMB Control Number: 3090–00XX.

Abstract: MyGov is a citizen-centric platform for delivering government services. Rather than organizing services around the agencies that deliver them as we do today and forcing citizens to absorb the complexity of modern government, MyGov organizes services around people, specific tasks at all levels of government. Specifically, MyGov consists of four distinct components:

Platform—The MyGov profile, which serves to enable a consistent experience from transaction to transaction is a basic user persona, consists of limited information such as name, address, and basic preferences, which then provides agencies with the ability to create task-based workflows for users. The MyGov profile is completely optional. Additionally, MyGov notifications enable agencies to sustain communication with MyGov account holders over time. Through an administrative interface, agencies can send users simple messages and alerts. For example ''Your online form submission to change your name has been approved'' or, ''Stay tuned to *FEMA.gov* for Hurricane updates.'' Users may be notified via their MyGov dashboard, discovery bar, email or text message, depending on their MyGov preferences.

Applications—MyGov is architected as a series of applications built on an open platform, not unlike a Facebook or iPhone app. Apps are explicitly granted permission by the user, and have access to limited information (such as a user's email, if authorized). Apps maintain their own data, and interact with the platform through a series of Application Programming Interfaces (APIs). APIs allow the desperate applications to securely communicate with one another. Although initially limited to government, apps can be created by the public sector or private sector.

Forms—The MyGov forms engine allows agencies to quickly and easily move existing information collections (which are currently transacted as PDFs or other offline process) to the Web, or to streamline the creation of new, Web-based services. The forms engine exists as a service independent of the MyGov profile and is not dissimilar to Google forms, Survey Monkey, or Wufoo.

Discovery—The MyGov discovery bar and widgets are tools that agencies can embed into existing Web pages to help citizens discover services and information relevant to their interests and needs. Similar to Netflix recommending movies you may enjoy, or Amazon informing you that ''customers who bought this product also bought'', the discovery tools seek to allow online resources to be grouped around citizen-centric tasks and transactions, rather than the agencies that maintain them.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average less than one hour per year. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The estimated annual burden request is summarized here:

Affected entities: citizens seeking a more intuitive way to utilize existing government services.

Estimated number of respondents: 20,000.

Frequency of response: 1.

Total number of responses: 20,000.

Estimated hours per response: .5.

Estimated total annual burden hours: 10,000.

What is the next step in the process for this ICR?

GSA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, GSA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: February 5, 2013.

Casey Colemen,

Chief Information Officer.

[FR Doc. 2013–02977 Filed 2–8–13; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–13–12QC]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Costs and Cost Savings of Motor Vehicle Injury Prevention: Evidence-Based Policy and Behavioral Interventions—NEW—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) is seeking a 1-year OMB approval to collect information relating to the costs of implementing motor vehicle injury prevention interventions. This information is needed to complete a research study of the costs and costs savings to society of implementing evidence-based interventions. The main product of the study is an online tool that can be used to identify the intervention or sets of interventions that can be implemented

in individual states that will provide the ''biggest bang for the buck.''

The study focuses on thirteen interventions. These interventions are:

1. Red light camera automated enforcement,
2. Speed camera automated enforcement,
3. Alcohol interlocks,
4. Sobriety checkpoints,
5. Saturation patrols,
6. Bicycle helmet laws for children,
7. High visibility child restraint/booster or seat belt law enforcement,
8. Motorcycle helmet use laws,
9. Primary enforcement of seat belt laws,
10. Limits on diversion and plea agreements,
11. Lower blood alcohol content (BAC) limits for repeat offenders,
12. Vehicle impoundment,
13. and license plate impoundment.

For each intervention, secondary data on the following will be compiled:

1. Effects on fatalities and injury prevention: We have specifically determined fatality and injury reductions for interventions by state, total fatalities and estimated injury rates by state, injury to fatality ratios, and the current laws for each state.
2. Estimated costs associated with motor vehicle injuries and deaths and how costs of similar injuries vary from state to state: We are currently developing state-specific estimates of expected cost savings associated with the reductions in injuries and deaths from each intervention.
3. Costs of implementing each intervention in states: We have developed a matrix of implementation cost categories by interventions and are populating the resultant cells. Implementation cost categories include items such as: cost of creating the legislation, costs for publicity, personnel (e.g., law enforcement, court) time, and equipment purchase, or maintenance cost, jail or prison facility costs.

This Information Collection Request (ICR) is being requested to fill these gaps in information on the costs of implementing interventions. Without this information, the principal product of the research—the online tool—cannot be completed. The value of the information collected via the subject matter interviews and the online Delphi panel is to fill gaps in knowledge for interventions that do not have extensive literature on their costs of implementation. The gaps in evidence relate to implementation cost issues such as the amount of time it takes for police to deal with an incident, paperwork, and court; the amount of court staff time it takes to handle various cases and whether there are costs to the court in particular situations, particularly among DWI cases. We also seek information to complete multiple missing cells pertaining to the costs of implementing lower BAC-Blood Alcohol Content, limits on diversion, and saturation patrols.

Semi-structured interviews will be conducted to collect the necessary information from subject matter experts. An online Delphi panel will be used to collect additional missing information.

The semi-structured interviews will be conducted over the telephone and will last approximately 60 minutes depending on the type of expert. The burden table identifies the total number of respondents per group, the average response burden per semi-structured interview, and the total response burden for the semi-structured interviews.

The total estimated one-time burden for data collection for the following expert respondents are calculated as follows; Public Safety Advocacy Groups = (4 respondents × 1 hour/response); DWI/DUI Defense Attorneys = (4 respondents × 1hour/response); Court Case Managers = (4 respondents × 1 hour/response); State Parole Agencies = (2 respondents × 1hour/response); State Depts. Of Public Safety = (6 respondents × 1 hour/response); Local Law Enforcement = (4 respondents × 1 hour/response). Twenty-four experts will be interviewed. The experts will come from various agencies across the country in the identified specialized areas. These twenty-four telephone interviews will be conducted by RAND researchers: Dr. Andres Villaveces and Liisa Ecola. For the online Delphi panel, we will select 8 experts to participate based upon our knowledge of the person(s) with the required expertise. These person(s) will likely be employed by academia or a public agency (i.e. CDC or National Highway Traffic Safety Administration (NHTSA))

There are no costs to respondents other than their time.

Total annualized burden hours are 32.

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (hours)
Public Safety Advocacy Groups	Semi-Structured Interviews	4	1	1
DWI/DUI Defense Attorneys	Semi-Structured Interviews	4	1	1
Court Case Managers	Semi-Structured Interviews	4	1	1
State Parole Agencies	Semi-Structured Interviews	2	1	1
State Depts. of Public Safety	Semi-Structured Interviews	6	1	1
Local Law Enforcement	Semi-Structured Interviews	4	1	1
Academic Researchers	Discussion Guide-Online Expert Panel	3	1	1
CDC Staff	Discussion Guide-Online Expert Panel	3	1	1
National Highway Traffic Safety Administration (NHTSA) Staff.	Discussion Guide-Online Expert Panel	2	1	1

Dated: February 5, 2013.

Ron A. Otten,

Director, Office of Scientific Integrity (OSI), Office of the Associate Director for Science (OADS), Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–03003 Filed 2–8–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–13–0923]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Evaluation of the National Tobacco Prevention and Control Public Education Campaign (OMB No. 0920–0923, exp. 2/28/2013)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) requests a Revision of the current OMB approval for Evaluation of the National Tobacco Prevention and Control Public Education Campaign (The Campaign) (OMB no. 0920–0923, exp. 2/28/2012). In 2012, CDC conducted web-based surveys of smokers and non-smokers in the U.S. for purposes of evaluating phase 1 of the CDC's National Tobacco Prevention and Control Public Education Campaign (The Campaign). This information collection consisted of an initial baseline survey (Wave 1) before the launch of The Campaign and a longitudinal follow-up survey (Wave 2) of those participants approximately three months later after the conclusion of The Campaign. Data from this information collection has been used by CDC to examine the association between smokers' and nonsmokers' exposure to The Campaign and changes in outcome variables of interest.

CDC has recently announced plans to launch a second phase of The Campaign (Phase 2), using the same campaign name (''Tips from Former Smokers''), similar advertisement styles, similar message themes and strategies, and in some cases the same ad cast members. CDC therefore plans to continue evaluation of The Campaign with a new, third wave of data collection. Wave 3 will consist of web-based follow-up surveys of smokers and nonsmokers that will facilitate pre-post analysis of the cumulative Phase 1 and Phase 2 campaigns. This pre-post design is similar to the currently-approved information collection that examined pre-post changes in relevant outcomes for the Phase 1 campaign only.

The timeframe for the Wave 3 data collection is related to the anticipated launch and duration of the Phase 2 campaign. The Phase 2 Campaign is expected to launch in early winter/spring 2013 and will air for approximately four months. Therefore, our proposed Wave 3 data collection will occur approximately four months after the Phase 2 Campaign launch to ensure accurate measurement of Campaign awareness after all media have been delivered.

Information will be collected about adult smokers' awareness of and exposure to campaign advertisements, knowledge, attitudes, and beliefs related to smoking and secondhand smoke. In addition, the survey will measure behaviors related to smoking cessation (among the smokers in the sample) and behaviors related to non-smokers' encouragement of smokers to quit smoking. Information will also be collected on demographic variables including age, sex, race, education, income, primary language, and marital status.

Data from this survey will be used to estimate the extent to which smokers and non-smokers in the U.S. were exposed to cumulative Phase 1 and Phase 2 Campaigns and to examine the statistical relationships between adults' exposure to Phase 1 and Phase 2 Campaigns and changes in outcome variables of interest which will include knowledge, attitudes, beliefs and intentions related to smoking and cessation as well as behavioral outcomes including quit attempts and cigarette consumption.

Information will be collected through on-line questionnaires involving adult smokers and non-smokers in the U.S., ages 18–54. Respondents who are smokers will be recruited from two sources: a probability sample drawn from the Knowledge Networks KnowledgePanel®, a panel that uses address-based postal mail sampling to generate a probability-based online panel of U.S. adults, and a supplemental sample from SSI, a leading provider of online sampling in the U.S. Respondents who are non-smokers will be recruited from Knowledge Networks.

To obtain the target number of complete Wave 3 responses, approximately 43,737 respondents will be contacted through an initial screening and consent process. The estimated burden per response is two minutes. The target number of complete wave 3 questionnaires for smokers is 14,250. The target number of complete wave for non-smokers is 3,286. For both respondent groups, the estimated burden per response is 25 minutes for each follow-up questionnaire.

OMB approval is requested for one year. There are no costs to respondents other than their time. The total estimated burden hours are 8,765.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
General Population	Screening and Consent Process	43,737	1	2/60
Adults, ages 18–54 in the U.S.	Smoker Phase 2 Follow-Up Questionnaire	14,250	1	25/60
	Non-Smoker Phase 2 Follow-Up Questionnaire	3,286	1	25/60

Dated: February 5, 2013.

Ron A. Otten,

Director, Office of Scientific Integrity (OSI), Office of the Associate Director for Science (OADS), Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–02985 Filed 2–8–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–13–0848]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Laboratory Medicine Best Practices Project (LMBP) (0920–0848, exp. 5/31/2013)—Extension—Office of Surveillance, Epidemiology and Laboratory Services (OSELS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is seeking approval from the Office of Management and Budget (OMB) to collect information from healthcare organizations in order to conduct a systematic review of laboratory practice effectiveness. The purpose of information collection is to include completed unpublished quality improvement studies/assessments carried out by healthcare organizations (laboratories, hospitals, clinics) in systematic reviews of practice effectiveness. CDC has been sponsoring the Laboratory Medicine Best Practices (LMBP) initiative to develop new systematic evidence reviews methods for making evidence-based recommendations in laboratory medicine. This initiative supports the CDC's mission of improving laboratory practices.

The focus of the Initiative is on pre- and post-analytic laboratory medicine practices that are effective at improving health care quality. While evidence-based approaches for decision-making have become standard in healthcare, this has been limited in laboratory medicine. No single-evidence-based model for recommending practices in laboratory medicine exists, although the number of laboratories operating in the United States and the volume of laboratory tests available certainly warrant such a model.

The Laboratory Medicine Best Practices Initiative began in October 2006, when DLS convened the Laboratory Medicine Best Practices Workgroup (Workgroup), a multidisciplinary panel of experts in several fields including laboratory medicine, clinical medicine, health services research, and health care performance measurement. The Workgroup has been supported by staff at CDC and the Battelle Memorial Institute under contract to CDC.

To date, the Laboratory Medicine Best Practices (LMBP) project work has been completed over three phases. During Phase 1 (October 2006–September 2007) of the project, CDC staff developed systematic review methods for conducting evidence reviews using published literature, and completed a proof-of-concept test. Results of an extensive search and review of published literature using the methods for the topic of patient specimen identification indicated that an insufficient quality and number of studies were available for completing systematic evidence reviews of laboratory medicine practice effectiveness for multiple practices, and hence for making evidence-based recommendations. These results were considered likely to be generalizable to most potential topic areas of interest.

A finding from Phase 1 work was that laboratories would be unlikely to publish quality improvement projects or studies demonstrating practice effectiveness in the peer reviewed literature, but that they routinely conducted quality improvement projects and had relevant data for completion of evidence reviews. Phase 2 (September 2007–November 2008) and Phase 3 (December 2008—September 2009), involved further methods development and pilot tests to obtain, review, and evaluate published and unpublished evidence for practices associated with the topics of patient specimen identification, communicating critical value test results, and blood culture contamination. Exploratory work by CDC supports the existence of relevant unpublished studies or completed quality improvement projects related to laboratory medicine practices from healthcare organizations. The objective for successive LMBP evidence reviews of practice effectiveness is to supplement the published evidence with unpublished evidence to fill in gaps in the literature.

Healthcare organizations and facilities (laboratory, hospital, clinic) will have the opportunity to voluntarily enroll in an LMBP network and submit readily available unpublished studies; quality improvement projects, evaluations, assessments, and other analyses relying on unlinked, anonymous data using the LMBP Submission Form. LMBP Network participants will also be able to submit unpublished studies/data for evidence reviews on an annual basis using this form. There will be no charge to respondents for their participation. The total estimated annualized burden hours for this information collection request are 100 hours.

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Healthcare Organizations	150	1	40/60

Dated: February 5, 2013.

Ron A. Otten,

Director, Office of Scientific Integrity (OSI), Office of the Associate Director for Science (OADS), Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–02984 Filed 2–8–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–13–12PZ]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Proficiency Testing in US Clinical Laboratories: Perception, Practices and Potential for Expanded Utility—NEW—The Office of Surveillance, Epidemiology and Laboratory Services (OSELS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The primary focus of this project is to conduct a systematic analysis in order to understand which types of laboratories follow Proficiency Testing (PT) and Good Laboratory Practices (GLPs), to identify ways that PT and GLPs could be better promoted, and to identify populations that would benefit from receiving information on PT GLPs. The Association of Public Health Laboratories (APHL) and Centers for Disease Control and Prevention (CDC) hope to learn more about the perceived benefits and burden of performing PT. This information may be helpful to the CDC as the Clinical Laboratory Improvement Amendments (CLIA) regulations for PT are revised. Our survey population frame is 20,500 Certificate of Compliance laboratories and 16,800 Certificate of Accreditation laboratories. All of these laboratories are required to perform PT in accordance with CLIA. Many of these laboratories also use their PT results internally to further improve laboratory quality at no additional cost.

The first phase of this project was conducted by the APHL through focus group research in 2011. The research explored how clinical and public health laboratories perceived commercial PT programs and explored the ways in which the laboratories used PT to assure and improve the quality of their testing. This second phase of the project will be administration of a survey to build on the preliminary findings from the focus group research and help identify the types of laboratories that would benefit from learning about additional uses for PT. This information will be helpful to disseminate PT and GLPs to laboratories in a strategic and targeted way based on findings from this survey.

The goal is to achieve an 80% response rate (29,840 out of 37,300 laboratories). APHL and CDC will strive to ensure a high response rate by promoting the survey through advertisements in laboratory trade publications, at professional meetings, and possibly through programs and laboratory accreditation organizations.

The cohort of laboratories surveyed will be all Certificate of Compliance and Certificate of Accreditation laboratories listed in the Centers for Medicare and Medicaid Services (CMS) Online Survey, Certification and Reporting (OSCAR) database. The OSCAR database contains demographic information and relevant characteristics including laboratory specialty and laboratory type for each laboratory.

The survey will be administered through a web-based survey system, specifically Survey Monkey. APHL will send each laboratory a postmarked letter explaining the survey and provide them with a link to log in to the survey with a unique identifier on their address label. Two weeks afterwards, APHL will follow-up with a postcard reminder which will also include that unique identifier.

There are no costs to respondents other than their time.

The annualized estimated burden is 9,947 hours.

Estimated Annualized Burden Hours:

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)
Laboratorians	Laboratory Practices	29,840	1	20/60

Dated: February 5, 2013.

Ron A. Otten,

Director, Office of Scientific Integrity (OSI), Office of the Associate Director for Science (OADS), Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–02988 Filed 2–8–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–13–12PE]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Interventions to Reduce Shoulder MSDs in Overhead Assembly—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the National Institute for Occupational Safety and Health (NIOSH) is to promote safety and health

at work for all people through research and prevention. Under Public Law 91–596, sections 20 and 22 (Section 20–22, Occupational Safety and Health Act of 1970), NIOSH has the responsibility to conduct research to advance the health and safety of workers. In this capacity, NIOSH proposes to conduct a study to assess the effectiveness and cost-benefit of occupational safety and health (OSH) interventions to prevent musculoskeletal disorders among workers in the Manufacturing sector.

Musculoskeletal disorders (MSDs) represent a major proportion of injury/illness incidence and cost in the U.S. Manufacturing (MNF) sector. In 2008, 29% of non-fatal injuries and illnesses involving days away from work (DAW) in the MNF sector involved MSDs and the MNF sector had some of the highest rates of MSD DAW cases. The rate for the motor vehicle manufacturing sub-sector (NAICS 3361) was among the highest of MNF sub sectors, with MSD DAW rates that were higher than the general manufacturing MSD DAW rates from 2003–2007. In automotive manufacturing overhead conveyance of the vehicle chassis requires assembly line employees to use tools in working postures with the arms elevated. These postures are believed to be associated with symptoms of upper limb discomfort, fatigue, and impingement syndromes (Fischer et al., 2007). Overhead working posture, independent of the force or load exerted with the hands, may play a role in the development in these conditions. However, recent studies suggest a more significant role of localized shoulder muscle fatigue in contributing to these disorders. Fatigue of the shoulder muscles may result in changes in normal shoulder kinematics (motion) that affect risk for shoulder impingement disorders (Ebaugh et. al., 2006; Chopp et al., 2010).

The U.S. Manufacturing sector has faced a number of challenges including an overall decline in jobs, an aging workforce, and changes in organizational management systems. Studies have indicated that the average age of industrial workers is increasing and that older workers may differ from younger workers in work capacity, injury risk, severity of injuries, and speed of recovery (Kenny et al., 2008; Gall et al., 2004; Restrepo et al., 2006). As the average age of the industrial population increases and newer systems of work organization (such as lean manufacturing) are changing the nature of labor-intensive work, prevention of MSDs will be more critical to protecting older workers and maintaining productivity.

This study will evaluate the efficacy of two intervention strategies for reducing musculoskeletal symptoms and pain in the shoulder attributable to overhead assembly work in automotive manufacturing. These interventions are, (1) an articulating spring-tensioned tool support device that unloads from the worker the weight of the tool that would otherwise be manually supported, and, (2) a targeted exercise program intended to increase individual employees' strength and endurance in the shoulder and upper arm stabilizing muscle group. As a primary prevention strategy, the tool support engineering control approach is preferred; however, a cost-efficient opportunity exists to concurrently evaluate the efficacy of a preventive exercise program intervention. Both of these intervention approaches have been used in the Manufacturing sector, and preliminary evidence suggests that both approaches may have merit. However, high quality evidence demonstrating their effectiveness, by way of controlled trials, is lacking. This project will be conducted as a partnership between NIOSH and Toyota Motors Engineering & Manufacturing North America, Inc. (TEMA), with the intervention evaluation study taking place at the Toyota Motor Manufacturing Kentucky, Inc. (TMMK) manufacturing facility in Georgetown, Kentucky. The prospective intervention evaluation study will be conducted using a group-randomized controlled trial multi-time series design. Four groups of 25–30 employees will be established to test the two intervention treatment conditions (tool support, exercise program), a combined intervention treatment condition, and a control condition. The four groups will be comprised of employees working on two vehicle assembly lines in different parts of the facility, on two work shifts (first and second shift). Individual randomization to treatment condition is not feasible, so a group-randomization (by work unit) will be used to assign the four groups to treatment and control conditions. Observations will be made over the 10-month study period and questionnaires will include the Shoulder Rating Questionnaire (SRQ), Disabilities of the Arm, Shoulder and Hand (DASH) questionnaire, a Standardized Nordic Questionnaire for body part discomfort, and a Work Organization Questionnaire. In addition to the questionnaires a shoulder-specific functional capacity evaluation test battery will be administered at 90 and 210 days, immediately pre- and post-intervention, to confirm the efficacy of the targeted exercise program in improving shoulder capacity.

In summary, this study will evaluate the effectiveness of two interventions to reduce musculoskeletal symptoms and pain in the shoulder associated with repetitive overhead work in the manufacturing industry and will disseminate the results of evidence-based prevention practices to the greatest audience possible. NIOSH expects to complete data collection in 2014. There are no costs to respondents other than their time. The total estimated annual burden hours are 472.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Employees	Informed Consent Form	125	1	5/60
	Consent of Photographic Image Release	125	1	2/60
	PAR–Q (Physical Activity Readiness)	125	1	2/60
	Shoulder Rating Questionnaire (SRQ)	125	10	4/60
	Disabilities of the Arm Shoulder and Hand (DASH)	125	10	6/60
	Standardized Nordic Questionnaire for Musculoskeletal Symptoms Instrument.	125	10	4/60
	Work Org Questionnaire	125	3	26/60

Dated: February 5, 2013.

Ron A. Otten,

Director, Office of Scientific Integrity (OSI), Office of the Associate Director for Science (OADS), Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–03005 Filed 2–8–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–1182]

Draft Joint Food and Drug Administration/Health Canada Quantitative Assessment of the Risk of Listeriosis From Soft-Ripened Cheese Consumption in the United States and Canada

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a draft ''Joint Food and Drug Administration/Health Canada—Santé Canada Quantitative Assessment of the Risk of Listeriosis From Soft-Ripened Cheese Consumption in the United States and Canada.'' This draft Quantitative Risk Assessment (the draft QRA) includes an Interpretative Summary, a Technical Report, with Appendixes, and a risk assessment model. The purpose of the draft QRA is to evaluate the effect of factors such as the microbiological status of milk, the impact of cheese manufacturing steps, and conditions during distribution and storage on the overall risk of invasive listeriosis to the consumer in the United States or Canada of soft-ripened cheese. The draft QRA makes it possible to evaluate the effectiveness of some process changes and intervention strategies in reducing the risk of listeriosis. We are making the draft QRA available for public comment.

DATES: Submit either electronic or written comments on the draft QRA by April 29, 2013.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written comments to Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Sherri Dennis, Center for Food Safety and Applied Nutrition (HFS–005), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1914.

SUPPLEMENTARY INFORMATION:

I. Background

Listeria monocytogenes (*L. monocytogenes*) is a widely occurring pathogen that can be found in agricultural and food processing environments. Ingestion of *L. monocytogenes* can lead to the development of listeriosis, with consequences that may include septicemia, meningitis, encephalitis, spontaneous abortion, and stillbirth. Epidemiological data show that listeriosis has one of the highest hospitalization rates and one of the highest case fatality rates among foodborne diseases in the United States (Ref. 1). Serious illness may occur in people considered to be more susceptible, such as the elderly, individuals who have a preexisting illness that reduces the effectiveness of their immune system, and pregnant women (Ref. 2).

The United States and Canada have experienced sporadic illnesses and outbreaks of listeriosis associated with the consumption of soft cheese. Both FDA and Health Canada—Santé Canada continue to evaluate the safety of soft cheese, particularly soft cheese made from unpasteurized milk.

II. Quantitative Risk Assessment

The draft QRA (Refs. 3 to 6) provides a science-based analytical approach to collate and incorporate available data into a mathematical model. It provides risk managers with a decision-support tool to evaluate the effectiveness of current and future interventions to reduce or prevent listeriosis from consumption of soft-ripened cheeses. The draft QRA also may be used to target risk communication messages, identify and prioritize research needs, and provide a framework for coordinating efforts with stakeholders. The draft QRA has undergone an independent external peer review consistent with the requirements in the Office of Management and Budget's ''Final Information Quality Bulletin for Peer Review.'' FDA's response to the peer-review is available electronically on the FDA Web site (Ref. 7).

The draft QRA focuses on the sources of *L. monocytogenes* contamination, the effects of individual manufacturing and/or processing steps, and the effectiveness of various intervention strategies on the levels of *L. monocytogenes* in the product as consumed and the associated risk of invasive listeriosis. The draft QRA's scope is:

- Pathogen of concern: *L. monocytogenes;*
- Food(s) of concern: Camembert, as an example of soft-ripened cheese;
- Populations of interest: The general populations of the United States and Canada, and subpopulations identified as at-risk in both countries (i.e., pregnant women, immunocompromised individuals, and the elderly population);
- Endpoint of concern: Invasive listeriosis; and
- Risk metric: The probability of invasive listeriosis per soft-ripened cheese serving.

The draft QRA uses a quantitative approach, using mathematical and probabilistic modeling, to estimate the risk per serving of soft-ripened cheese (using Camembert cheese as an example) in both countries. The draft QRA tests the effects of some alternatives on those risks. The draft QRA uses data from the literature, from government nutrition surveys, from a specific survey on home storage time and temperature practices, and from specific expert elicitations. FDA invites comments that can help FDA and Health Canada—Santé Canada improve:

- The approach used;
- The assumptions made;
- The modeling techniques;
- The data used; and
- The clarity and the transparency of the draft QRA documentation.

When finalized, FDA intends to use this risk assessment (which is limited to one pathogen in one type of cheese), along with other information and scientific assessments that more comprehensively consider the different pathogens that can be present in all types of cheeses made from raw milk, in its reevaluation of the existing 60-day aging requirements for cheeses made with raw milk (e.g., 21 CFR 133.182(a)).

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

The draft QRA is available electronically on the FDA Web site *http://www.fda.gov/food/scienceresearch/researchareas/*

riskassessmentsafetyassessment/ and at *http://www.regulations.gov.*

V. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m. Monday through Friday, and are available electronically at *http://www.regulations.gov.* (FDA has verified the Web site addresses in this reference section, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

1. Goulet, V., M. Hebert, C. Hedberg, et al., ''Incidence of Listeriosis and Related Mortality Among Groups at Risk of Acquiring Listeriosis.'' *Clinical Infectious Diseases,* 54(5): 652–660, 2012.
2. Scallan, E., R. M. Hoekstra, F. J. Angulo, et al., ''Foodborne Illness Acquired in the United States—Major Pathogens,'' *Emerging Infectious Diseases,* 17(1): 7–12, 2011.
3. U.S. Food and Drug Administration and Health Canada (2012). ''Joint Food and Drug Administration/Health Canada—Santé Canada Quantitative Assessment of the Risk of Listeriosis from Soft-Ripened Cheese Consumption in the United States and Canada: Draft Interpretative Summary.'' Accessible at *http://www.fda.gov/Food/ScienceResearch/ResearchAreas/RiskAssessment SafetyAssessment/default.htm.*
4. U.S. Food and Drug Administration and Health Canada (2012). ''Joint Food and Drug Administration/Health Canada—Santé Canada Quantitative Assessment of the Risk of Listeriosis from Soft-Ripened Cheese Consumption in the United States and Canada: Draft Technical Report.'' Accessible at *http://www.fda.gov/Food/ScienceResearch/ResearchAreas/RiskAssessmentSafetyAssessment/default.htm.*
5. U.S. Food and Drug Administration and Health Canada (2012). ''Joint Food and Drug Administration/Health Canada—Santé Canada Quantitative Assessment of the Risk of Listeriosis from Soft-Ripened Cheese Consumption in the United States and Canada: Draft Technical Report Appendices.'' Accessible at *http://www.fda.gov/Food/ScienceResearch/ResearchAreas/RiskAssessmentSafety Assessment/default.htm.*
6. U.S. Food and Drug Administration and Health Canada (2012). ''Joint Food and Drug Administration/Health Canada—Santé Canada Quantitative Assessment of the Risk of Listeriosis from Soft-Ripened Cheese Consumption in the United States and Canada: Draft Risk Assessment Model.'' Analytica file. Accessible at *http://www.fda.gov/Food/ScienceResearch/ResearchAreas/RiskAssessmentSafetyAssessment/default.htm.*
7. U.S. Food and Drug Administration and Health Canada (2012). ''Joint Food and Drug Administration/Health Canada—Santé Canada Quantitative Assessment of the Risk of Listeriosis from Soft-Ripened Cheese Consumption in the United States and Canada: Answer to the Peer Review.'' Accessible at *http://www.fda.gov/ScienceResearch/SpecialTopics/PeerReviewofScientificInformationandAssessments/ucm079120.htm.*

Dated: February 5, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–02960 Filed 2–8–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0092]

Draft Guidance for Industry on Immunogenicity Assessment for Therapeutic Protein Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Immunogenicity Assessment for Therapeutic Protein Products.'' Therapeutic protein products may elicit immune responses, and these responses may lead to serious or life-threatening adverse events for the patient or loss of efficacy of the product. This draft guidance is intended to assist manufacturers to develop a risk-based approach in both the preclinical and clinical phases of the development of therapeutic protein products to evaluate and mitigate immune responses that may adversely affect their safety and efficacy.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by April 12, 2013.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993–0002, or Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Amy Rosenberg, Center for Drug Evaluation and Research, Food and Drug Administration, 8800 Rockville Pike, Bldg. 29A, rm. 2D–16, Bethesda, MD 20892, 301–827–1790; or Stephen Ripley, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Immunogenicity Assessment for Therapeutic Protein Products.'' The purpose of this document is to assist manufacturers and clinical investigators involved in the development of therapeutic protein products for human use. The guidance outlines, and recommends adoption of, a risk-based approach to evaluating and mitigating the potential for immunogenicity that may affect the safety and efficacy of therapeutic protein products. The guidance describes various product- and patient-specific factors that can affect the immunogenicity of protein therapeutics and provides recommendations pertaining to each of these factors that may reduce the likelihood that these products will generate an immune response. In addition, the guidance offers a series of recommendations for risk mitigation in the clinical phase of development of protein therapeutics. The draft guidance also provides supplemental information on the diagnosis and management of particular adverse consequences of immune responses to protein therapeutics and contains brief discussions of the uses of animal studies and the conduct of comparative immunogenicity studies.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on immunogenicity assessment of therapeutic protein products. It does not

create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm,* or *http://www.regulations.gov.*

Dated: February 5, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–03019 Filed 2–8–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Food and Drug Administration/Xavier University PharmaLink Conference—Quality in a Global Supply Chain

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public conference.

SUMMARY: The Food and Drug Administration (FDA) Cincinnati District, in cosponsorship with Xavier University, is announcing a public conference entitled ''FDA/Xavier University PharmaLink Conference.'' The PharmaLink conference seeks solutions to important and complicated issues by aligning with the strategic priorities of FDA, and includes presentations from key FDA officials, global regulators, and industry experts. Each presentation challenges the status quo and conventional wisdom of our industry to create synergies focused on finding solutions which make a difference. Every discussion, exploration, and solution is framed by the goal of delivering increased patient health and safety through topics such as a working session with the Office of the Commissioner on the implementation of the FDA Safety and Innovation Act, Business Impact of Outsourcing, Supplier Management Models that Work, Implementing Quality by Design (QbD) Successfully—like other industries, lunch with global regulators (FDA, Medicines and Healthcare products Regulatory Agency (MHRA), Fimea, and Swissmedic), and many more. The experience level of our audience has fostered engaged dialog that has led to innovative initiatives.

DATES: The public conference will be held on March 12, 2013, from 8:30 a.m. to 5 p.m.; March 13, 2013, from 8:30 a.m. to 5 p.m.; and March 14, 2013, from 8:30 a.m. to 12:45 p.m.

ADDRESSES: The public conference will be held on the campus of Xavier University, 3800 Victory Pkwy., Cincinnati, OH 45207, 513–745–3073 or 513–745–3396.

FOR FURTHER INFORMATION CONTACT:

For information regarding this notice: Steven Eastham, Office of Regulatory Affairs, Food and Drug Administration, Cincinnati South Office, 36 East 7th Street, suite 1910, Cincinnati, OH 45202, 513–246–4134, email: *steven.eastham@fda.hhs.gov.*

For information regarding the conference and registration: Marla Phillips, Xavier University, 3800 Victory Pkwy., Cincinnati, OH 45207, 513–745–3073, email: *phillipsm4@xavier.edu.*

SUPPLEMENTARY INFORMATION:

Registration: There is a registration fee. The conference registration fees cover the cost of the presentations, training materials, receptions, breakfasts, lunches, and dinners for the 2½ days of the conference. Advanced registration rate ends February 18, 2013. Standard registration rates begin on February 19, 2013. There will also be onsite registration. The cost of registration is as follows:

TABLE 1—REGISTRATION FEES [1]

Attendee type	Fee Jan. 23–Feb. 18	Fee after Feb. 18
Industry	$1,295	$1,495
Small Business (<100 employees)	900	1,000
Consultants	600	700
Startup Manufacturer	250	300
Academic	250	300
Media	Free	Free
Government	Free	Free

[1] The fourth registration from the same company is free—all four attendees must register at the same time.

The following forms of payment will be accepted: American Express, Visa, Mastercard, and company checks.

To register online for the public conference, please visit the ''Registration'' link on the conference Web site at *http://www.XavierPharmaLink.com.* FDA has verified the Web site address, but is not responsible for subsequent changes to the Web site after this document publishes in the **Federal Register.**

To register by mail, please send your name, title, firm name, address, telephone and fax numbers, email, and payment information for the fee to Xavier University, Attention: Susan Bensman, 3800 Victory Pkwy., Cincinnati, OH 45207. An email will be sent confirming your registration.

Attendees are responsible for their own accommodations. The conference headquarter hotel is the Downtown Cincinnati Hilton Netherlands Plaza, 35 West 5th Street, Cincinnati, OH 45202, 513–421–9100. To make reservations online, please visit the ''Venue & Logistics'' link at *http://www.XavierPharmaLink.com.* The hotel is expected to sell out during this timeframe, so early reservation in the conference room block is encouraged.

If you need special accommodations due to a disability, please contact Marla Phillips (see **FOR FURTHER INFORMATION**

CONTACT) at least 7 days in advance of the conference.

The public conference helps fulfill the Department of Health and Human Services and FDA's important mission to protect the public health. The conference will engage those involved in FDA-regulated global supply chain quality and management through the following topics:

- Beyond our Borders—Maximizing the Impact of FDA's Global Interactions
- MHRA, Fimea, and Swissmedic—Driving Safety and Innovation
- Food and Drug Administration Safety and Innovation Act—Be Part of the Solution, and How do we Measure the Effectiveness of the Resulting Change
- Track and Trace in a Global Market
- How do we Gain Greater Supply Chain Visibility?
- Supplier Management Models that Work
- Implementing QbD like Other Industries—Proven Success
- How to Avoid Drug Shortages in your Company
- Pfizer Business Model: Quantitating Culture
- Outsourcing: Business Impact
- FDA, MHRA, and Fimea Inspection Trends and Expectations

The conference includes:

- Lunch with the Regulators—Facilitated, Interactive Session
- Networking by Topic
- Case Studies
- Small Group Discussions
- Innovation Session Engaging the Audience
- Keynote Dinner at the Cincinnati Art Museum with Chairman, CEO, and President of Eli Lilly and Chairman of the Board of PhRMA—John Lechleiter

The most pressing challenges of the global pharmaceutical industry require solutions which are inspired by collaboration to ensure the ongoing health and safety of our patients. These challenges include designing products with the patient in mind, building quality into the product from the onset, selecting the right suppliers, and considering total product life-cycle systems. Meeting these challenges requires vigilance, innovation, supply chain strategy, relationship management, proactive change management, and a commitment to doing our jobs right the first time.

FDA has made education of the drug and device manufacturing community a high priority to help ensure the quality of FDA-regulated drugs and devices. The conference helps to achieve objectives set forth in section 406 of the Food and Drug Administration Modernization Act of 1997 (Public Law 105–115) (21 U.S.C. 393), which includes working closely with stakeholders and maximizing the availability and clarity of information to stakeholders and the public. The conference also is consistent with the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) by providing outreach activities by Government Agencies to small businesses.

Dated: February 6, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–03018 Filed 2–8–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities; Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Reports Clearance Officer at (301) 443–1984.

HRSA especially requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Information Collection Request Title: Corps Community Day Event Form—NEW

Abstract: Corps Community Day was created in 2011 and celebrates the National Health Service Corps (NHSC) every October during National Primary Care Week. The NHSC is a program administered by the Bureau of Clinician Recruitment and Service (BCRS) within HRSA. The goals of Corps Community Day encompass the following: increase awareness of the NHSC to potential applicants and the greater primary health community; create a sense of community and connectedness among NHSC program participants, alumni, partners, and staff; and underscore the NHSC's role in bringing primary health care services to the nation's neediest communities. Current program participants, alumni, NHSC Ambassadors, sites, primary care organizations, and professional associations plan events and report the details of their events to BCRS so that they can be added to the state-by-state map of events. In order to avoid duplication of effort, eliminate confusion regarding allowable event dates, avoid data entry errors, and implement a brief post-event satisfaction survey, BCRS would like to implement a standard form that event planners will use to report to BCRS. The fillable form will be available online and will have less than 20 fields for event planners to populate to submit for inclusion on the map. There will also be approximately five fields to populate following the event to measure satisfaction. Both the pre-event and post-event data fields will be held in one form.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

The annual estimate of burden is as follows:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Corps Community Day Event Planning Form	300	1	300	.20	60
Corps Community Day Event Satisfaction Form	300	1	300	.05	15
Total	300	1	300	.25	75

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Reports Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Deadline: Comments on this Information Collection Request must be received within 60 days of this notice.

Dated: February 5, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–02998 Filed 2–8–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Council on the National Health Service Corps; Request for Nominations

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is requesting nominations to fill five (5) vacancies on the National Advisory Council (NAC) on the National Health Service Corps (NHSC). The NAC on NHSC was established in 1978.

DATES: The agency must receive nominations on or before March 13, 2013.

ADDRESSES: All nominations should be sent electronically to Njeri Jones at *NJones@hrsa.gov* or mailed to 5600 Fishers Lane, Room 13–64, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kim Huffman, Executive Secretary, National Advisory Council on the National Health Service Corps, at (301) 443–3863 or email *KHuffman@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The National Advisory Council on the National Health Service Corps (hereafter referred to as NAC) was established under 42 U.S.C. 254j (Section 337 of the Public Health Service Act), as amended by Section 10501 of the Affordable Care Act. The NAC is governed by provisions of Public Law 92–463 (5 U.S.C. App.2), also known as the Federal Advisory Committee Act, which sets forth standards for the formation and use of advisory committees.

The NAC is a group of health care providers and health care site administrators who are experts in the issues that communities with a shortage of primary care professionals face in meeting their health care needs. The NAC is a frontline source of information to the NHSC senior management. The NAC is committed to effectively implementing its mandate to advise the Secretary of the Department of Health and Human Services (HHS) and, by designation, the Administrator of the Health Resources and Services Administration (HRSA).

The NAC consists of 15 members who are Special Government Employees. Responsibilities of the Council include: (1) Serving as a forum to identify the priorities for the NHSC and to bring forward and anticipate future program issues and concerns through ongoing communication with program staff, professional organizations, communities, and program participants; (2) Functioning as a sounding board for proposed policy changes by utilizing the varying levels of expertise represented on the Council to advise on specific program areas; and, (3) Developing and distributing white papers and briefs that clearly state issues and/or concerns relating to the NHSC with specific recommendations for necessary policy revisions.

Specifically, HRSA is requesting nominations for individuals with a background in primary care, dental health, and mental health representing one or more of the following areas of expertise: working with underserved populations, health care policy, recruitment and retention, site administration, customer service, marketing, organizational partnerships, research, and clinical practice. We are looking for nominees that either currently or have previously filled a role as site administrators, physicians, dentists, mid-level professionals (i.e., nurses, physician assistants), mental or behavioral health professionals, or NHSC scholars or loan repayors. Nominees will be invited to serve a 3-year term beginning after September 30, 2013.

HHS will consider nominations of all qualified individuals with a view to ensuring that the NAC includes the areas of subject matter expertise noted above and reflects the diverse primary care health care workforce and health delivery sites. Individuals may nominate themselves or other individuals, and professional associations and organizations may nominate one or more qualified persons for membership on the Council. Nominations shall state that the nominee is willing to serve as a member of the NAC and appears to have no conflict of interest that would preclude the membership. Potential candidates will be contacted by NHSC and asked to provide detailed information concerning financial interests, consultancies, research grants, and/or contracts that might be affected by recommendations of the Committee, to permit evaluation of possible sources of conflicts of interest.

A nomination package should include the following information for each nominee: (1) A letter of nomination (no more than 2) stating the name, affiliation, and contact information for the nominee, the basis for the nomination (i.e., what specific attributes, perspectives, and/or skills does the individual possess that would benefit the workings of NAC), and the nominees field(s) of expertise; (2) a biography of the nominee and a copy of his/her curriculum vitae; and (3) the name, address, daytime telephone number, and email address at which the nominator can be contacted. HRSA will accept self-nominations. **Note:** If you submitted a nomination on someone's behalf or a self-nomination in spring of 2012 and would like to be considered again, please send a complete packet of the information requested above.

HHS has special interest in assuring that women, minority groups, veterans, and individuals with disabilities are adequately represented on advisory committees; and therefore, extends particular encouragement to nominations for appropriately qualified

female, minority, veterans, or individuals with disabilities.

Dated: February 5, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–03006 Filed 2–8–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–11–130: Zebrafish Screens.
Date: March 5–6, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: John Burch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–408–9519, *burchjb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–11–131: Tools for Zebrafish Research.
Date: March 5–6, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: John Burch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–408–9519, *burchjb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Developmental Pharmacology.
Date: March 5–6, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Janet M Larkin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1102, MSC 7840, Bethesda, MD 20892, 301–806–2765, *larkinja@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Control of breathing/Pulmonary vascular biology.
Date: March 5–6, 2013.
Time: 9:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: George M Barnas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4220, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Therapeutics.
Date: March 5, 2013.
Time: 10:30 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 806–2515, *chatterm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Area: Bioengineering, Chemistry, and Imaging.
Date: March 5, 2013.
Time: 11:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Paul Sammak, Ph.D., Scientific Review Officer, Center For Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6185, MSC 7892, Bethesda, MD 20892, 301–435–0601, *sammakpj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Biobehavioral and Developmental Mechanisms of Stress and Suicide.
Date: March 5, 2013.
Time: 11:30 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Melissa Gerald, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, (301) 408–9107, *geraldmel@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Environmental Epidemiology, Obesity and Health.
Date: March 5, 2013.
Time: 1:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Suzanne Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 435–1712, *ryansj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; DTCS BRP Review.
Date: March 5, 2013.
Time: 1:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Khalid Masood, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, 301–435–2392, *masoodk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Lipid Metabolism and Nutrition.
Date: March 5, 2013.
Time: 12:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Krish Krishnan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041, *krishnak@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 5, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–02943 Filed 2–8–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Fogarty International Center; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Fogarty International Center Advisory Board, February 25,

2013, 02:00 p.m. to February 26, 2013, 03:00 p.m., National Institutes of Health, Lawton Chiles International House, Bethesda, MD 20892 which was published in the **Federal Register** on February 4, 2013, 78 FR 7795.

The meeting notice is being amended to add a closed session on February 26, 2013 from 09:00 a.m. to 10:45 a.m. The open session will begin at 11:00 a.m. The meeting is partially closed to the public. Please see the Fogarty International Center home page for the schedule of upcoming meetings at: *www.nih.gov/fic/about/advisory.html.*

Dated: February 5, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–02942 Filed 2–8–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Application (P01).

Date: March 7–8, 2013.

Time: 1:30 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: James T. Snyder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, DHHS/NIH/NIAID, 6700B Rockledge Drive, MSC 7616, Room # 3257, Bethesda, MD 20892, 301–435–1614, *james.snyder@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 5, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–02937 Filed 2–8–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; H3Africa (RM–006, RM–007, RM–008).

Date: February 28–March 1, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, Salons AB, 5151 Pooks Hill Road, Bethesda, MD.

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; PAGE II (Population Architecture Using Genomics and Epidemiology) & PAGE Coordinating Center.

Date: March 6, 2013.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, Calvert I & II, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov.*

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Sequencing Technology RFAs.

Date: March 8, 2013.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Arlington Capital View, Studio E, 2800 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Ken D. Nakamura, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, 301–402–0838, *nakamurk@mail.nih.gov.*

Name of Committee: National Human Genome Research Institute Initial Review Group; Genome Research Review Committee.

Date: March 12, 2013.

Time: 10:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 3rd floor Room 3146, 5635 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, MSC 9306, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 5, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–02940 Filed 2–8–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; TRND–2.

Date: March 6–7, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Martha F. Matocha, Scientific Review Administrator, Office of Grants Management & Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1070, Bethesda, MD 20892–4874, 240–271–4890, *matocham@mail.nih.gov.*

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; NIH Support for Conferences and Scientific Meetings (Parent R13/U13).

Date: March 14–15, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Democracy Blvd., Bethesda, MD 20892.

Contact Person: Mohan Viswanathan, Ph.D., Deputy Director, Office of Grants Management and Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Blvd., Room 1084, Bethesda, MD 20892, 301–435–0829, *mv10f@nih.gov.*

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; TRND–4.

Date: March 20–21, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Carol Lambert, Scientific Review Officer, Office of Grants Management & Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1076, Bethesda, MD 20892, 301–435–0814, *lambert@mail.nih.gov.*

Dated: February 5, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–02941 Filed 2–8–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group Clinical Trials Review Committee.

Date: March 4–5, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Keary A Cope, Ph.D., Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7190, Bethesda, MD 20892–7924, 301–435–2222, *copeka@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 5, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–02939 Filed 2–8–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NIDCD.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute on Deafness and Other Communication Disorders, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIDCD.

Date: March 21, 2013.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, 5 Research Court, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Andrew J. Griffith, Ph.D., MD, Director, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, 5 Research Court, Room 1A13, Rockville, MD 20850, 301–496–1960 *griffita@nidcd.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: February 5, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–02936 Filed 2–8–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Comparative Physiology of Aging.

Date: March 14, 2013.

Time: 12:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Elaine Lewis, Ph.D., Scientific Review Branch, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7707, *elainelewis@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 5, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–02938 Filed 2–8–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Office of Research Infrastructure Programs Special Emphasis Panel; NIH Support for Conferences and Scientific Meetings (Parent R13/U13).

Date: March 21–22, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Democracy Blvd., Bethesda, MD 20892.

Contact Person: Mohan Viswanathan, Deputy Director, Office of Grants Management & Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1084, Bethesda, MD 20892–4874, 301–435–0829, *mv10f@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: February 5, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–02935 Filed 2–8–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2012–1066]

Draft Guidance Regarding Voluntary Inspection of Vessels for Compliance With the Maritime Labour Convention, 2006

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments.

SUMMARY: The Coast Guard announces the availability of a draft Navigation and Vessel Inspection Circular (NVIC) that sets forth the Coast Guard's policies and procedures regarding the inspection of U.S. vessels for voluntary compliance with the Maritime Labour Convention, 2006 (Convention), which enters into force on August 20, 2013. The NVIC will provide guidance to the maritime industry, Coast Guard marine inspectors, and other affected parties on how the Coast Guard intends to implement the new voluntary inspection program. This notice solicits public comment on the impacts that the policies and procedures contained in the NVIC would have on applicable vessels and other affected parties. This notice also solicits public comment on the collection of information associated with the new voluntary inspection program.

DATES: Comments and related material on the draft NVIC must either be submitted to our online docket via *http://www.regulations.gov* on or before March 13, 2013 or reach the Docket Management Facility by that date. For the collection of information associated with the new voluntary inspection program, comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before April 12, 2013 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2012–1066 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, email Lieutenant Commander Christopher Gagnon, Domestic Vessels Division, U.S. Coast Guard at *cg-cvc-1@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Docket Operations at 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to submit comments and related material on the draft NVIC on Voluntary Inspection of Vessels under the Maritime Labour Convention, 2006 and the collection of information associated with the issuance of the Statement of Voluntary Compliance, Declaration of Maritime Labour Compliance—Part II. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting comments: If you submit a comment, please include the docket number for this notice (USCG–2012–1066) and provide a reason for each suggestion or recommendation. You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and use ''USCG–2012–1066'' as your search term. Locate this notice in the search results and click the corresponding ''Comment Now'' box to submit your comment. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Viewing the comments and draft NVIC: To view the comments and draft NVIC, go to *http://www.regulations.gov* and use ''USCG–2012–1066'' as your search term. Use the filters on the left side of the page to search the docket for public comments and other documents. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act: Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act, system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Background and Purpose

The 94th (Maritime) session of the International Labour Conference (ILC) (Geneva, February 2006) adopted the Maritime Labour Convention, 2006, a new international agreement that consolidates almost all of the 70 existing International Labour Organization (ILO) maritime labour instruments into a single, modern, globally applicable legal instrument. The Convention establishes comprehensive minimum requirements for working conditions of seafarers, including, among other things, conditions of employment, hours of work and rest, accommodations, recreational facilities, food and catering, health protection, medical care, welfare, and social security protection. It combines rights and principles with specific standards and detailed guidance on how to implement these standards at the national level. The Convention is comprised of three different, but related parts: The Articles, the Regulations, and the Code. The Articles and Regulations set out the core rights and principles, and the basic obligations of members ratifying the Convention. The Code is comprised of a Part A (mandatory standards) and a Part B (non-mandatory guidelines).

To date, the U.S. government has not ratified the Convention. Unless and until the U.S. ratifies the Convention, the Coast Guard will not enforce Convention requirements on U.S. vessels or foreign vessels while on the navigable waters of the U.S.

Article V, paragraph 7 of the Convention contains a ''no more favorable treatment clause,'' which requires the governments of ratifying nations to impose Convention requirements on vessels from non-ratifying nations. As a result, a U.S. vessel that is not able to demonstrate compliance with the Convention may be at risk for Port State Control actions (including detention) when operating in a port of a ratifying nation.

Draft NVIC

In order to assist U.S. vessels in avoiding Port State Control actions in foreign ports of nations that have ratified the Convention, the Coast Guard plans to implement a voluntary compliance inspection program and issue Statements of Voluntary Compliance. To promote consistency and standardization of Coast Guard policies and procedures, this draft NVIC provides guidance to the maritime industry and Coast Guard marine inspectors on how the Coast Guard intends to implement this new voluntary inspection program. Applicable U.S. vessels are highly encouraged to comply with the Convention and obtain Statements of Voluntary Compliance.

We request comments from all interested parties to ensure that the full range and significance of issues addressed in the draft NVIC are identified.

Collection of Information

This notice contains a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

This notice details a new collection of information. A summary of the collection follows.

Title: Various International Agreement Certificates and Documents.

OMB Control Number: 1625–new.

Summary of the Collection: This information collection is associated with the Maritime Labour Convention, 2006. The Coast Guard plans to establish a voluntary inspection program for vessels wishing to document compliance with the requirements of the Convention. U.S. commercial vessels that operate on international routes will be eligible to participate.

Need for Information: The information is needed to determine if a vessel is in compliance with the Convention.

Proposed Use of Information: The Coast Guard intends on issuing voluntary compliance certificates as proof of compliance with the Convention.

Description of Respondents: Vessel owners and operators.

Number of Respondents: 1,000.

Frequency of Response: On occasion. We estimate two responses per respondent, one for the Convention application and one for the recordkeeping of a Coast Guard-issued Statement of Voluntary Compliance.

Burden of Response: 4.15 hours per respondent.

Estimate of Total Annual Burden: 4,150 hours.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we will submit a copy of this notice to the Office of Management and Budget (OMB) for its review of the collection of information.

We ask for public comment on the proposed collection of information to help us determine how useful the information is; whether it can help us perform our functions better; whether it is readily available elsewhere; how accurate our estimate of the burden of collection is; how valid our methods for determining burden are; how we can improve the quality, usefulness, and clarity of the information; and how we can minimize the burden of collection.

If you submit comments on the collection of information, submit them to the Docket Management Facility where indicated under **ADDRESSES**, by the date under **DATES**.

You need not respond to a collection of information unless it displays a currently valid control number from OMB. Before the Coast Guard could enforce the collection of information requirements in this notice, OMB would need to approve the Coast Guard's request to collect this information.

This notice is issued under authority of 33 U.S.C. 1221(c)(3) and 5 U.S.C. 552(a).

Dated: January 25, 2013.

Paul F. Thomas,

Captain, U.S. Coast Guard, Director of Inspections & Compliance.

[FR Doc. 2013–02956 Filed 2–8–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2012–0031; OMB No. 1660–0085]

Agency Information Collection Activities; Submission for OMB Review; Comment Request: Crisis Counseling Assistance and Training Program

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before March 13, 2013.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 1800 South Bell Street, Arlington, VA 20598–3005, facsimile number (202) 646–3347, or email address *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION: Section 416 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (Stafford Act) (42 U.S.C. 5183) Public Law 93–288, as amended, authorizes the President to provide financial assistance to States, U.S. Territories, and Federally Recognized Tribes for professional counseling services to survivors of major disasters to relieve mental health problems caused by or aggravated by a major disaster or its aftermath. FEMA has codified Section 416 of the Stafford Act at section 44 CFR 206.171 entitled Crisis Counseling Assistance and Training. Under Section 416 of the Stafford Act and 44 CFR 206.171, the President has designated the Department of Health and Human Services-Center for Mental Health Services (HHS–CMHS) to coordinate with FEMA in administering the Crisis Counseling Assistance and Training Program (CCP). FEMA and HHS–CMHS signed an interagency agreement under which HHS–CMHS provides program oversight, technical assistance and training to States applying for CCP funding.

We received one comment during the 60-day FRN period. Main points addressed include (1) CCP grants do not reimburse states for indirect costs associated with administrative overhead which has proven burdensome to the state, (2) the 60-day ISP grant program period is not sufficient time to prepare and submit the required ISP application (due 14 days from the date of the IA declaration), hire staff, initiate contracts with local mental health providers and provide immediate response activities to those impacted by the disaster, (3) the immediate availability of CCP services following a major disaster is recommended to mitigate the psychological impact to first responders, disaster survivors, etc., and to expedite funding to states, and finally, (4) that certain sections of the ISP application should be pre-approved by FEMA prior to a disaster to expedite access to disaster funding so that staff can be hired and supplies and equipment obtained quickly to implement the program.

All comments received are issues currently being reviewed by the Community Services Section within the Individual Assistance Division of FEMA's Recovery Directorate. A FEMA economist is currently reviewing program data to determine what policy and/or program changes (to include possible regulatory changes) are necessary to ensure that the CCP program is cost effective, efficient and not overly cumbersome to States applying for the program.

Collection of Information

Title: Crisis Counseling Assistance and Training Program.

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0085.

Form Titles and Numbers: FEMA Form 003–0–1, Crisis Counseling Assistance and Training Program, Immediate Services Program Application; FEMA Form 003–0–2, Crisis Counseling Assistance and Training Program, Regular Services Program Application.

Abstract: The CCP consists of two grant programs, the Immediate Services Program (ISP) and the Regular Services Program (RSP). The ISP and the RSP provide supplemental funding to States, U.S. Territories, and Federally Recognized Tribes following a Presidentially-declared disaster. The grant programs provide funding for Training and Services, including community outreach, public education and counseling techniques. States are required to submit an application that provides information on Needs Assessment, Plan of Service, Program Management, and an accompanying Budget.

Affected Public: State, local or Tribal Government.

Estimated Number of Respondents: 24 respondents.

Number of Responses: 57 responses.

Estimated Total Annual Burden Hours: 2,580 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $142,674. There are no annual costs to respondents operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $139,654.

Dated: January 24, 2013.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2013–03007 Filed 2–8–13; 8:45 am]

BILLING CODE 9110–13–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or the regulatory floodway (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities

listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov*.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard determinations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

These new or modified flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov*.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Alabama:					
Mobile (FEMA Docket No.: B–1277).	Unincorporated areas of Mobile County (12–04–0468P).	The Honorable Connie Hudson, President, Mobile County Commission, P.O. Box 1443, Mobile, AL 36633.	Mobile County Government Plaza, Engineering Department, 205 Government Street, 3rd Floor, South Tower, Mobile, AL 36644.	December 7, 2012	015008
Mobile (FEMA Docket No.: B–1277).	Unincorporated areas of Mobile County (12–04–0469P).	The Honorable Connie Hudson, President, Mobile County Commission, P.O. Box 1443, Mobile, AL 36633.	Mobile County Government Plaza, Engineering Department, 205 Government Street, 3rd Floor, South Tower, Mobile, AL 36644.	December 7, 2012	015008
Mobile (FEMA Docket No.: B–1277).	Unincorporated areas of Mobile County (12–04–0470P).	The Honorable Connie Hudson, President, Mobile County Commission, P.O. Box 1443, Mobile, AL 36633.	Mobile County Government Plaza, Engineering Department, 205 Government Street, 3rd Floor, South Tower, Mobile, AL 36644.	December 7, 2012	015008
Mobile (FEMA Docket No.: B–1274).	Unincorporated areas of Mobile County (12–04–00828P).	The Honorable Connie Hudson, President, Mobile County Commission, P.O. Box 1443, Mobile, AL 36633.	Mobile County Government Plaza, Engineering Department, 205 Government Street, 3rd Floor, South Tower, Mobile, AL 36644.	November 23, 2012	015008
Mobile (FEMA Docket No.: B–1277).	Unincorporated areas of Mobile County (12–04–0467P).	The Honorable Connie Hudson, President, Mobile County Commission, P.O. Box 1443, Mobile, AL 36633.	Mobile County Government Plaza, Engineering Department, 205 Government Street, 3rd Floor, South Tower, Mobile, AL 36644.	December 7, 2012	015008
Arizona:					
Coconino (FEMA Docket No.: B–1277).	City of Flagstaff (11–09–4084P).	The Honorable Jerry Nabours, Mayor, City of Flagstaff, 211 West Aspen Avenue, Flagstaff, AZ 86001.	City Hall, Utilities Department, 211 West Aspen Avenue, Flagstaff, AZ 86001.	November 19, 2012	040020
Coconino (FEMA Docket No.: B–1277).	City of Flagstaff (12–09–1657P).	The Honorable Jerry Nabours, Mayor, City of Flagstaff, 211 West Aspen Avenue, Flagstaff, AZ 86001.	City Hall, Utilities Department, 211 West Aspen Avenue, Flagstaff, AZ 86001.	November 12, 2012	040020
Maricopa (FEMA Docket No.: B–1274).	City of Phoenix (12–09–0762P).	The Honorable Greg Stanton, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, AZ 85003.	Transportation Department, 200 West Washington Street, 5th Floor, Phoenix, AZ 85003.	November 9, 2012	040051

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Maricopa (FEMA Docket No.: B–1274).	City of Tempe (12–09–0762P).	The Honorable Hugh Hallman, Mayor, City of Tempe, City Hall Municipal Complex, 31 East 5th Street, Tempe, AZ 85281.	City Hall, Engineering Department, 31 East 5th Street, Tempe, AZ 85281.	November 9, 2012	040054
Pinal (FEMA Docket No.: B–1274).	City of Coolidge (12–09–0751P).	The Honorable Thomas Shope, Mayor, City of Coolidge, P.O. Box 1627, Coolidge, AZ 85128.	130 West Central Avenue, Coolidge, AZ 85228.	November 26, 2012	040082
Pinal (FEMA Docket No.: B–1274).	Unincorporated areas of Pinal County (12–09–0751P).	The Honorable David Snider, Chairman, Pinal County Board of Supervisors, P.O. Box 827, Florence, AZ 85132.	Pinal County Engineering Department, 31 North Pinal Street, Building F, Florence, AZ 85232.	November 26, 2012	040077
California:					
Mendocino (FEMA Docket No.: B–1274).	Unincorporated areas of Mendocino County (12–09–1922P).	The Honorable John McCowen, Chairman, Mendocino County Board of Supervisors, 501 Low Gap Road, Ukiah, CA 95482.	Mendocino County Planning Department, 501 Low Gap Road, Ukiah, CA 95482.	December 3, 2012	060183
San Diego (FEMA Docket No.: B–1277).	Unincorporated areas of San Diego County (12–09–0511P).	The Honorable Ron Roberts, Chairman, San Diego County Board of Supervisors, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	San Diego County Department of Public Works, 5201 Ruffin Road, Suite P, San Diego, CA 92123.	December 3, 2012	060284
Santa Clara (FEMA Docket No.: B–1274).	Unincorporated areas of Santa Clara County (12–09–0752P).	The Honorable George Shirakawa, President, Santa Clara County Board of Supervisors, 70 West Hedding Street, 10th Floor, East Wing, San Jose, CA 95110.	Santa Clara County Planning Department, 70 West Hedding Street, San Jose, CA 95110.	September 13, 2012	060337
Colorado:					
Adams (FEMA Docket No.: B–1274).	City of Thornton (12–08–0500P).	The Honorable Heidi Williams, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	9500 Civic Center Drive, Thornton, CO 80229.	November 2, 2012	080007
Adams (FEMA Docket No.: B–1274).	Unincorporated areas of Adams County (12–08–0500P).	The Honorable W. R. ''Skip'' Fischer, Chairman, Adams County Board of Commissioners, 4430 South Adams County Parkway, 5th Floor, Suite C5000A, Brighton, CO 80601.	Adams County Public Works Department/Engineering Section, 4430 South Adams County Parkway, 1st Floor, Suite W2123, Brighton, CO 80601.	November 2, 2012	080001
Jefferson (FEMA Docket No.: B–1274).	City of Westminster (12–08–0500P).	The Honorable Nancy McNally, Mayor, City of Westminster, 4800 West 92nd Avenue, Westminster, CO 80031.	4800 West 92nd Avenue, Westminster, CO 80031.	November 2, 2012	080008
La Plata (FEMA Docket No.: B–1274).	City of Durango (12–08–0287P).	The Honorable Doug Lyon, Mayor, City of Durango, 949 East 2nd Avenue, Durango, CO 81301.	Administrative Offices, 949 East 2nd Avenue, Durango, CO 81301.	November 26, 2012	080099
Weld (FEMA Docket No.: B–1274).	Unincorporated areas of Weld County (12–08–0303P).	The Honorable Sean Conway, Chairman, Weld County Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Weld County Public Works Department, 1111 H Street, Greely, CO 80632.	November 9, 2012	080266
Florida:					
Broward (FEMA Docket No.: B–1274).	City of Pompano Beach (12–04–3737P).	The Honorable Lamar Fisher, Mayor, City of Pompano Beach, 100 West Atlantic Boulevard, Pompano Beach, FL 33060.	City Hall, Building Department, 100 West Atlantic Boulevard, 3rd Floor, West Wing, Pompano Beach, FL 33060.	November 9, 2012	120055
Charlotte (FEMA Docket No.: B–1274).	Unincorporated areas of Charlotte County (12–04–1172P).	The Honorable Christopher Constance, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, FL 33948.	November 12, 2012	120061
Lee (FEMA Docket No.: B–1274).	City of Fort Myers (12–04–4033P).	The Honorable Randy Henderson, Jr., Mayor, City of Fort Myers, 2200 2nd Street, Fort Myers, FL 33901.	Community Development Department, 1825 Hendry Street, Fort Myers, FL 33901.	December 10, 2012	125106
Monroe (FEMA Docket No.: B–1274).	Unincorporated areas of Monroe County (12–04–3601P).	The Honorable David Rice, Mayor, Monroe County, 1100 Simonton Street, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Marathon, FL 33050.	December 3, 2012	125129
Monroe (FEMA Docket No.: B–1274).	Unincorporated areas of Monroe County (12–04–4205P).	The Honorable David Rice, Mayor, Monroe County, 1100 Simonton Street, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Marathon, FL 33050.	November 12, 2012	125129
Sumter (FEMA Docket No.: B–1274).	Unincorporated areas of Sumter County (12–04–2558P).	The Honorable Garry Breeden, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Planning Department, 7375 Powell Road, Wildwood, FL 34785.	November 23, 2012	120296
Georgia:					
Chatham (FEMA Docket No.: B–1277).	City of Savannah (12–04–3661P).	The Honorable Otis Johnson, Mayor, City of Savannah, P.O. Box 1027, Savannah, GA 31402.	City Hall, 2 East Bay Street, Savannah, GA 31401.	December 10, 2012	135163
Fulton (FEMA Docket No.: B–1274).	City of Alpharetta (11–04–5468P).	The Honorable David Belle Isle, Mayor, City of Alpharetta, 2 South Main Street, Alpharetta, GA 30009.	1790 Hembree Road, Alpharetta, GA 30009.	November 23, 2012	130084

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Muscogee (FEMA Docket No.: B–1277).	City of Columbus—Muscogee County (Consolidated Government) (12–04–1268P).	The Honorable Teresa Tomlinson, Mayor, City of Columbus—Muscogee County (Consolidated Government), 100 10th Street, Columbus, GA 31901.	Engineering Department, 420 10th Street, 2nd Floor, Columbus, GA 31901.	September 24, 2012	135158
Muscogee (FEMA Docket No.: B–1274).	City of Columbus—Muscogee County (Consolidated Government) (12–04–1647P).	The Honorable Teresa Tomlinson, Mayor, City of Columbus—Muscogee County (Consolidated Government), 100 10th Street, Columbus, GA 31901.	420 10th Street, 2nd Floor, Columbus, GA 31901.	November 12, 2012	135158
Hawaii: Honolulu (FEMA Docket No.: B–1274).	City and County of Honolulu (12–09–1556P).	The Honorable Peter B. Carlisle, Mayor, City and County of Honolulu, 530 South King Street, Room 300, Honolulu, HI 96813.	Department of Planning and Permitting, 650 South King Street, Honolulu, HI 96813.	November 12, 2012	150001
Nevada:					
Clark (FEMA Docket No.: B–1274).	Unincorporated areas of Clark County (11–09–4118P).	The Honorable Susan Brager, Chair, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Clark County Department of Public Works, 500 South Grand Central Parkway, Las Vegas, NV 89155.	December 3, 2012	320003
Clark (FEMA Docket No.: B–1274).	Unincorporated areas of Clark County (12–09–0822P).	The Honorable Susan Brager, Chair, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Clark County Department of Public Works, 500 South Grand Central Parkway, Las Vegas, NV 89155.	November 5, 2012	320003
Clark (FEMA Docket No.: B–1274).	Unincorporated areas of Clark County (12–09–0994P).	The Honorable Susan Brager, Chair, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Clark County Department of Public Works, 500 South Grand Central Parkway, Las Vegas, NV 89155.	November 2, 2012	320003
Douglas (FEMA Docket No.: B–1274).	Unincorporated areas of Douglas County (12–09–1513P).	The Honorable Lee Bonner, Chairman, Douglas County Board of Commissioners, P.O. Box 218, Minden, NV 89243.	Douglas County Public Works Department, 1615 8th Street, Minden, NV 89423.	October 22, 2012	320008
North Carolina:					
Mecklenburg (FEMA Docket No.: B–1277).	Town of Davidson (12–04–0595P).	The Honorable John Woods, Mayor, Town of Davidson, 216 South Main Street, Davidson, NC 28036.	Charlotte-Mecklenburg Stormwater Services Division, 700 North Tryon Street, Charlotte, NC 28202.	December 3, 2012	370503
Mecklenburg (FEMA Docket No.: B–1277).	Unincorporated areas of Mecklenburg County (12–04–0595P).	The Honorable Harry L. Jones, Sr., Mecklenburg County Manager, Government Center, 600 East 4th Street, Charlotte, NC 28202.	Charlotte-Mecklenburg Stormwater Services Division, 700 North Tryon Street, Charlotte, NC 28202.	December 3, 2012	370158
South Carolina:					
Horry (FEMA Docket No.: B–1274).	City of Myrtle Beach (12–04–2445P).	The Honorable John Rhodes, Mayor, City of Myrtle Beach, P.O. Box 2468, Myrtle Beach, SC 29578.	City Services Building, 921 Oak Street, Myrtle Beach, SC 29577.	November 13, 2012	450109
Laurens (FEMA Docket No.: B–1277).	Unincorporated areas of Laurens County (12–04–2186P).	The Honorable James A. Coleman, Chairman, Laurens County Council, P.O. Box 445, Laurens, SC 29360.	Laurens County Courthouse, 3 Catherine Street, Laurens, SC 29360.	December 6, 2012	450122
Tennessee:					
Williamson (FEMA Docket No.: B–1274).	City of Brentwood (12–04–1585P).	The Honorable Paul L. Webb, Mayor, City of Brentwood, P.O. Box 788, Brentwood, TN 37024.	City Hall, 5211 Maryland Way, Brentwood, TN 37027.	November 12, 2012	470205

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

James A. Walke,

Acting Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–03004 Filed 2–8–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or the regulatory floodway (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov*.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering

Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard determinations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

These new or modified flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Arkansas:					
Benton (FEMA Docket No.: B–1262).	City of Bella Vista (11–06–4526P).	The Honorable Frank E. Anderson, Mayor, City of Bella Vista, P.O. Box 5655, Bella Vista, AR 72714.	406 Town Center East, Bella Vista, AR 72714.	August 23, 2012	050511
Benton (FEMA Docket No.: B–1271).	City of Rogers (12–06–1612P).	The Honorable Greg Hines, Mayor, City of Rogers, 301 West Chestnut Street, Rogers, AR 72756.	City Hall, 301 West Chestnut Street, Rogers, AR 72756.	October 29, 2012	050013
Faulkner (FEMA Docket No.: B–1274).	City of Vilonia (12–06–1423P).	The Honorable James Firestone, Mayor, City of Vilonia, P.O. Box 188, Vilonia, AR 72173.	City Hall, 1113 Main Street, Vilonia, AR 72173.	December 6, 2012	050417
Pulaski (FEMA Docket No.: B–1268).	Unincorporated areas of Pulaski County (12–06–0415P).	The Honorable Floyd G. Villines, Pulaski County Judge, 201 South Broadway Street, Suite 400, Little Rock, AR 72201.	Pulaski County Road and Bridge Department, 3200 Brown Street, Little Rock, AR 72204.	October 11, 2012	050179
Maryland: Montgomery (FEMA Docket No.: B–1262).	Town of Poolesville (11–03–2517P).	The Honorable Paul E. Kuhlman, President, Town of Poolesville Commissioners, 19721 Beall Street, Poolesville, MD 20837.	Town Hall, 1910 Fisher Avenue, Suite C, Poolesville, MD 20837.	August 23, 2012	240118
New Mexico:					
Bernalillo (FEMA Docket No.: B–1271).	City of Albuquerque (11–06–2877P).	The Honorable Richard J. Berry, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	600 2nd Street Northwest, Suite 201, Albuquerque, NM 87102.	November 8, 2012	350002
Bernalillo (FEMA Docket No.: B–1262).	City of Albuquerque (12–06–0106P).	The Honorable Richard J. Berry, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	600 2nd Street Northwest, Suite 201, Albuquerque, NM 87102.	August 23, 2012	350002
Bernalillo (FEMA Docket No.: B–1268).	Unincorporated areas of Bernalillo County (11–06–4300P).	The Honorable Art De La Cruz, Chairman, Bernalillo County Board of Commissioners, 1 Civic Plaza Northwest, Albuquerque, NM 87102.	Bernalillo County Public Works Division, 2400 Broadway Boulevard Southeast, Albuquerque, NM 87102.	September 5, 2012	350001
Doña Ana (FEMA Docket No.: B–1262).	City of Las Cruces (11–06–2357P).	The Honorable Ken Miyagishima, Mayor, City of Las Cruces, 700 North Main Street, Las Cruces, NM 88001.	700 North Main Street, Las Cruces, NM 88001.	August 24, 2012	355332
Sandoval (FEMA Docket No.: B–1262).	City of Rio Rancho (12–06–0106P).	The Honorable Thomas E. Swisstack, Mayor, City of Rio Rancho, 3200 Civic Center Circle Northeast, Rio Rancho, NM 87144.	3200 Civic Center Circle Northeast, Rio Rancho, NM 87144.	August 23, 2012	350146
Pennsylvania:					
Blair (FEMA Docket No.: B–1271).	Township of Logan (11–03–1840P).	The Honorable Frank J. Meloy, Chairman, Township of Logan Board of Supervisors, 100 Chief Logan Circle, Altoona, PA 16602.	Logan Township Municipal Building, 10 Chief Logan Circle, Altoona, PA 16602.	November 5, 2012	421391
Chester (FEMA Docket No.: B–1268).	Borough of West Chester (12–03–0618P).	Mr. Ernest B. McNeeley, Manager, Borough of West Chester, 401 East Gay Street, West Chester, PA 19380.	Borough Hall, Building, Housing, and Code Enforcement Department, 401 East Gay Street, West Chester, PA 19380.	October 12, 2012	420292

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Chester (FEMA Docket No.: B–1268).	Township of Highland (12–03–1320P).	The Honorable Thomas Scott, Chairman, Township of Highland Board of Supervisors, 100 Five Point Road, Coatesville, PA 19320.	Highland Township Building, Road 3, Gum Tree Road, Coatesville, PA 19320.	October 18, 2012	422289
Chester (FEMA Docket No.: B–1268).	Township of Londonderry (12–03–1320P).	The Honorable Richard Brown, Chairman, Township of Londonderry Board of Supervisors, 103 Daleville Road, Cochranville, PA 19330.	Londonderry Township Building, 103 Daleville Road, Cochranville, PA 19330.	October 18, 2012	421484
Chester (FEMA Docket No.: B–1268).	Township of West Marlborough (12–03–1320P).	The Honorable William W. Wylie, Chairman, Township of West Marlborough Board of Supervisors, 1300 Doe Run Road, Coatesville, PA 19320.	West Marlborough Township Hall, 1300 Doe Run Road, Coatesville, PA 19320.	October 18, 2012	422279
Lebanon (FEMA Docket No.: B–1271).	Township of Jackson (12–03–0843P).	The Honorable Dean O. Moyer, Chairman, Township of Jackson Board of Supervisors, 60 North Ramona Road, Myerstown, PA 17067.	Jackson Township Building, 60 North Ramona Road, Myerstown, PA 17067.	November 26, 2012	421805
Montgomery (FEMA Docket No.: B–1271).	Township of Marlborough (12–03–0885P).	The Honorable Joan Smith, Chairman, Township of Marlborough Board of Supervisors, 6040 Upper Ridge Road, Green Lane, PA 18054.	Marlborough Municipal Building, 6040 Upper Ridge Road, Green Lane, PA 18054.	November 9, 2012	421913
Texas:					
Bexar (FEMA Docket No.: B–1268).	City of San Antonio (11–06–4227P).	The Honorable Julian Castro, Mayor, City of San Antonio, 100 Military Plaza, San Antonio, TX 78205.	Municipal Plaza, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	October 11, 2012	480045
Bexar (FEMA Docket No.: B–1268).	City of San Antonio (12–06–0221P).	The Honorable Julian Castro, Mayor, City of San Antonio, 100 Military Plaza, San Antonio, TX 78205.	Municipal Plaza, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	October 11, 2012	480045
Bexar (FEMA Docket No.: B–1268).	City of San Antonio (12–06–0574P).	The Honorable Julian Castro, Mayor, City of San Antonio, 100 Military Plaza, San Antonio, TX 78205.	Municipal Plaza, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	October 4, 2012	480045
Bexar (FEMA Docket No.: B–1271).	City of San Antonio (12–06–0838P).	The Honorable Julian Castro, Mayor, City of San Antonio, 100 Military Plaza, San Antonio, TX 78205.	Municipal Plaza, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	November 16, 2012	480045
Bexar (FEMA Docket No.: B–1271).	City of San Antonio (12–06–1638P).	The Honorable Julian Castro, Mayor, City of San Antonio, 100 Military Plaza, San Antonio, TX 78205.	Municipal Plaza, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	November 26, 2012	480045
Bexar (FEMA Docket No.: B–1262).	Unincorporated areas of Bexar County (12–06–0468P).	The Honorable Nelson W. Wolff, Bexar County Judge, Paul Elizondo Tower, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad, Suite 420, San Antonio, TX 78207.	August 23, 2012	480035
Bexar (FEMA Docket No.: B–1271).	Unincorporated areas of Bexar County (12–06–0794P).	The Honorable Nelson W. Wolff, Bexar County Judge, Paul Elizondo Tower, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad, Suite 420, San Antonio, TX 78207.	November 9, 2012	480035
Bexar (FEMA Docket No.: B–1271).	Unincorporated areas of Bexar County (12–06–2182P).	The Honorable Nelson W. Wolff, Bexar County Judge, Paul Elizondo Tower, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad, Suite 420, San Antonio, TX 78207.	November 5, 2012	480035
Collin (FEMA Docket No.: B–1268).	City of Allen (12–06–0928P).	The Honorable Stephen Terrell, Mayor, City of Allen, 305 Century Parkway, 1st Floor, Allen, TX 75013.	City Hall, Engineering Department, 305 Century Parkway, 1st Floor, Allen, TX 75013.	October 19, 2012	480131
Collin (FEMA Docket No.: B–1271).	City of Parker (12–06–0168P).	The Honorable Z. Marshall, Mayor, City of Parker, 5700 East Parker Road, Parker, TX 75002.	5700 East Parker Road, Parker, TX 75002.	November 9, 2012	480139
Collin (FEMA Docket No.: B–1271).	City of Plano (12–06–0168P).	The Honorable Phil Dyer, Mayor, City of Plano, 1520 Avenue K, Plano, TX 75074.	1520 Avenue K, Suite 250, Plano, TX 75074.	November 9, 2012	480140
Collin (FEMA Docket No.: B–1271).	Unincorporated areas of Collin County (12–06–0889P).	The Honorable Keith Self, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Engineering Department, 825 North McDonald Street, Suite 160, McKinney, TX 75069.	October 26, 2012	480130
Dallas (FEMA Docket No.: B–1271).	City of Irving (12–06–0738P).	The Honorable Herbert A. Gears, Mayor, City of Irving, 825 West Irving Boulevard, Irving, TX 75060.	Public Works Department, 825 West Irving Boulevard, Irving, TX 75060.	November 16, 2012	480180
Guadalupe (FEMA Docket No.: B–1268).	City of Schertz (12–06–1767P).	Mr. John Kessel, Manager, City of Schertz, 1400 Schertz Parkway, Schertz, TX 78154.	City Hall, 1400 Schertz Parkway, Schertz, TX 78154.	October 18, 2012	480269
Johnson (FEMA Docket No.: B–1268).	City of Burleson (11–06–3655P).	The Honorable Ken D. Shetter, Mayor, City of Burleson, 141 West Renfro Street, Burleson, TX 76028.	City Hall, 141 West Renfro Street, Burleson, TX 76028.	September 20, 2012	485459
Kendall (FEMA Docket No.: B–1271).	Unincorporated areas of Kendall County (11–06–4333P).	The Honorable Gaylan Schroeder, Kendall County Judge, 201 East San Antonio Street, Suite 120, Boerne, TX 78006.	Kendall County Courthouse, 201 East San Antonio Street, Boerne, TX 78006.	October 29, 2012	480417
Lubbock (FEMA Docket No.: B–1271).	City of Lubbock (11–06–4090P).	The Honorable Glen Robertson, Mayor, City of Lubbock, 1625 13th Street, Lubbock, TX 79401.	City Hall, 1625 13th Street, Lubbock, TX 79401.	November 1, 2012	480452
Tarrant (FEMA Docket No.: B–1268).	City of Benbrook (11–06–0937P).	The Honorable Jerry B. Dittrich, Ph.D., Mayor, City of Benbrook, 911 Winscott Road, Benbrook, TX 76126.	Department of Community Development, 911 Winscott Road, Benbrook, TX 76126.	October 11, 2012	480586

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Tarrant (FEMA Docket No.: B–1268).	City of Crowley (11–06–4129P).	The Honorable Billy Davis, Mayor, City of Crowley, 201 East Main Street, Crowley, TX 76036.	City Hall, Community Development Department, 201 East Main Street, Crowley, TX 76036.	October 12, 2012	480591
Tarrant (FEMA Docket No.: B–1268).	City of Fort Worth (12–06–0273P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, 1000 Throckmorton Street, Fort Worth, TX 76102.	October 1, 2012	480596
Tarrant (FEMA Docket No.: B–1268).	Unincorporated areas of Tarrant County (11–06–4129P).	The Honorable B. Glen Whitley, Tarrant County Judge, 100 East Weatherford Street, Suite 501, Fort Worth, TX 76102.	Administrative Building, Public Works Department, 100 East Weatherford Street, Fort Worth, TX 76102.	October 12, 2012	480582
Virginia:					
Giles (FEMA Docket No.: B–1262).	Town of Narrows (11–03–1175P).	The Honorable H. Clayton Davis, Mayor, Town of Narrows, P.O. Box 440, Narrows, VA 24124.	Town Hall, 131 Center Street, Narrows, VA 24124.	August 23, 2012	510068
Giles (FEMA Docket No.: B–1262).	Unincorporated areas of Giles County (11–03–1175P).	The Honorable Christopher P. McKlarney, Giles County Administrator, 315 North Main Street, Pearisburg, VA 24134.	Giles County Engineering and GIS Departments, 315 North Main Street, Pearisburg, VA 24134.	August 23, 2012	510067
Loudoun (FEMA Docket No.: B–1271).	Town of Leesburg (12–03–1300P).	The Honorable Kristen C. Umstattd, Mayor, Town of Leesburg, 25 West Market Street, Leesburg, VA 20176.	Town Hall, 25 West Market Street, Leesburg, VA 20176.	November 8, 2012	510091

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

James A. Walke,

Acting Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–03047 Filed 2–8–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3354–EM; Docket ID FEMA–2013–0001]

New Jersey; Amendment No. 3 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of New Jersey (FEMA–3354–EM), dated October 28, 2012, and related determinations.

DATES: *Effective Date:* January 25, 2013.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, William L. Vogel, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency.

This action terminates the appointment of Michael J. Hall as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2013–03027 Filed 2–8–13; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4091–DR; Docket ID FEMA–2012–0002]

Maryland; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Maryland (FEMA–4091–DR), dated November 20, 2012, and related determinations.

DATES: *Effective Date:* December 17, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Maryland is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of November 20, 2012.

Carroll and Montgomery Counties for Public Assistance, including direct federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2013–03002 Filed 2–8–13; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4100–DR; Docket ID FEMA–2013–0001]

Arkansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Arkansas (FEMA–4100–DR), dated January 29, 2013, and related determinations.

DATES: *Effective Date:* January 29, 2013.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 29, 2013, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from a severe winter storm during the period of December 25–26, 2012, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Arkansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Sandy Coachman, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Arkansas have been designated as adversely affected by this major disaster:

Garland, Grant, Hot Spring, Lonoke, Perry, Pulaski, and Saline Counties for Public Assistance.

All counties within the State of Arkansas are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2013–03033 Filed 2–8–13; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4086–DR; Docket ID FEMA–2013–0001]

New Jersey; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Jersey (FEMA–4086–DR), dated October 30, 2012, and related determinations.

DATES: *Effective Date:* January 25, 2013.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, William L. Vogel, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Michael J. Hall as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2013–03023 Filed 2–8–13; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4085–DR; Docket ID FEMA–2012–0002]

New York; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New York (FEMA–4085–DR), dated October 30, 2012, and related determinations.

DATES: *Effective Date:* December 18, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of New York is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 30, 2012.

Greene County for Public Assistance, including direct federal assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2013–03044 Filed 2–8–13; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4098–DR; Docket ID FEMA–2013–0001]

Ohio; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Ohio (FEMA–4098–DR), dated January 3, 2013, and related determinations.

DATES: *Effective Date:* January 29, 2013.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Ohio is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of January 3, 2013.

Ashtabula County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2013–03029 Filed 2–8–13; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Entry and Immediate Delivery Application and Simplified Entry

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Entry and Immediate Delivery Application (Forms 3461 and 3461 ALT) and Simplified Entry. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Written comments should be received on or before April 12, 2013, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Entry and Immediate Delivery Application and Simplified Entry.

OMB Number: 1651–0024.

Form Numbers: CBP Form 3461 and Form 3461 ALT.

Abstract: All items imported into the United States are subject to examination before entering the commerce of the United States. There are two procedures available to effect the release of imported merchandise, including ''entry'' pursuant to 19 U.S.C. 1484, and ''immediate delivery'' pursuant to 19 U.S.C. 1448(b). Under both procedures, CBP Forms 3461 and 3461 ALT are the source documents in the packages presented to Customs and Border Protection (CBP). The information collected on CBP Forms 3461 and 3461 ALT allow CBP officers to verify that the information regarding the consignee and shipment is correct and that a bond is on file with CBP. CBP also uses these forms to close out the manifest and to establish the obligation to pay estimated duties in the time period prescribed by law or regulation. CBP Form 3461 is also a delivery authorization document and is given to the importing carrier to authorize the release of the merchandise.

CBP Forms 3461 and 3461 ALT are provided for by 19 CFR 141 and 142. These forms and instructions are accessible at: *http://www.cbp.gov/xp/cgov/toolbox/forms/*.

Simplified Entry is a program for ACE entry summary filers in which importers or brokers may file Simplified Entry data in lieu of filing the CBP Form 3461. This data consists of 12 required elements: importer of record; buyer name and address; buyer employer identification number (consignee number), seller name and address; manufacturer/supplier name and

address; Harmonized Tariff Schedule 10-digit number; country of origin; bill of lading; house air waybill number; bill of lading issuer code; entry number; entry type; and estimated shipment value. Three optional data elements are the container stuffing location; consolidator name and address, and ship to party name and address. The data collected under the Simplified Entry program is intended to reduce transaction costs, expedite cargo release, and enhance cargo security. The Simplified Entry filing minimizes the redundancy of data submitted by the filer to CBP through receiving carrier data from the carrier. This design allows the participants to file earlier in the transportation flow. Guidance on using Simplified Entry may be found at *http://www.cbp.gov/xp/cgov/trade/trade_transformation/simplified_entry/*.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information being collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

CBP Form 3461

Estimated Number of Respondents: 6,529.

Estimated Number of Responses per Respondent: 1,411.

Estimated Total Annual Responses: 9,210,160.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 2,302,540.

CBP Form 3461 ALT

Estimated Number of Respondents: 6,795.

Estimated Number of Responses per Respondent: 1,390.

Estimated Total Annual Responses: 9,444,069.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 472,203.

Simplified Entry

Estimated Number of Respondents: 500.

Estimated Number of Responses per Respondent: 1,410.

Estimated Total Annual Responses: 705,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 117,030.

Dated: January 29, 2013.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2013–02326 Filed 2–8–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Holders or Containers Which Enter the United States Duty Free

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing information collection.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Holders or Containers which enter the United States Duty Free. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** (77 FR 69650) on November 20, 2012, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before March 13, 2013.

ADDRESSES: Interested persons are invited to submit written comments on this information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for U.S. Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L. 104–13). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

Title: Holders or Containers which Enter the United States Duty Free.

OMB Number: 1651–0035.

Form Number: None.

Abstract: All articles that are brought into the United States are subject to duty unless they are specifically exempt under the Harmonized Tariff Schedules of the United States (HTSUS), codified as 19 U.S.C. 1202. Item 9801.00.10 (HTSUS) provides that articles that were manufactured in the U.S. and exported and returned without having been advanced in value or improved in condition by any process of manufacture may be brought back into the U.S. duty-free. In addition, Item 9803.00.50 (HTSUS) provides for the duty-free entry of substantial holders or containers of foreign manufacture if duty had been paid upon a previous importation pursuant to the provisions of 19 CFR 10.41b.

Although an article may be brought back into the United States without being subject to duty, a consumption entry must nevertheless be made along with the reason for the article not being subject to duty set forth on the entry. However, an importer who brings in merchandise packed in U.S. manufactured containers or holders or previously duty-paid containers or holders, and does so several times a year involving a great many containers or holders, may mark the container or

holder with the HTSUS number in lieu of filing of entry papers each time. CBP believes such frequent filing of entry papers for these containers or holders would be overly burdensome to the importer or shipper.

19 CFR 10.41 provides that substantial holders or containers are to have prescribed markings in clear and conspicuous letters of such a size that they will be easily discernable. Section 10.41b of the CBP regulations eliminates the need for an importer to file entry documents by instead requiring the marking of the containers or holders to indicate under which item number of the HTSUS the containers or holders are entitled duty free entry.

In order to comply with 19 CFR 10.41b, the owner of the holder or container is required to place the markings on a metal tag or plate containing the following information: 9801.00.10, HTSUS; the name of the owner; and the serial number assigned by the owner. In the case of serially numbered holders or containers of foreign manufacture for which free clearance under the second provision of item 9803.00.50 HTSUS is claimed, the owner must place the following markings containing the following information: 9803.00.50 HTSUS; the port code numbers of the port of entry; the entry number; the last two digits of the fiscal year of entry covering the importation of the holders and containers on which duty was paid; the name of the owner; and the serial number assigned by the owner.

Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 20.

Estimated Number of Responses per Respondent: 18.

Estimated Number of Total Annual Responses: 360.

Estimated Total Annual Burden Hours: 90.

Dated: February 6, 2013.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2013–02982 Filed 2–8–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5613–N–06–C]

Privacy Act of 1974; New System of Records, Office of General Counsel E-Discovery Management System: Republication of System Description and Solicitation of Comment

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: Pursuant to the provision of the Privacy Act of 1974, HUD is providing notice of its formal adoption of a new system of records for the Office of General Counsel (OGC) E-Discovery Management System (EDMS). The OGC discovery productions typically require the preservation, collection and analysis of massive emails, word processing documents, PDF files, spreadsheets, presentations, database entries, and other documents in a variety of electronic file formats, as well as paper records. EDMS is expected to improve significantly the efficiency of OGC's processing of records during the discovery and processing of litigation requests and will dramatically reduce the time spent on the document review and production process.

DATES: *Effective Date:* December 18, 2012.

FOR FURTHER INFORMATION CONTACT: For inquiries pertaining to Privacy Act records, contact Donna Robinson-Staton, Chief Privacy Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410 (Attention: Capitol View Building, 4th Floor) telephone number (202) 402–8073 (this telephone number is not toll free). A telecommunications device for hearing- and speech-impaired persons (TTY) is available by calling the Federal Relay Service's toll-free telephone number (800) 877–8339.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) (Privacy Act), HUD published in the **Federal Register** on July 17, 2012, at 77 FR 41997, a notice that announced a new system of records for OGC's E-Discovery Management System (OGC–EDMS), a system expected to significantly improve the efficiency of OGC's processing of records during the preservation, discovery, and processing of litigation requests when litigation is ''reasonably anticipated'' [1] and reduce the time HUD staff spend on the document review and production process. OGC–EDMS is in response to and consistent with e-discovery preservation and production requirements in the Federal Rules of Civil Procedure.

The July 17, 2012, notice solicited public comment on OGC–EDMS for a period of 30 days. The notice advised that EDMS would carry a final effective date of August 16, 2012, unless HUD received comments which would result in a contrary determination. HUD received public comment in response to the July 17, 2012, notice. On August 15, 2012, at 77 FR 49011, HUD published a notice advising of a change in the final effective date of OGC–EDMS, the commitment to re-publish the description of OGC–EDMS with certain clarifications, and to respond to public comments received in response to the July 17, 2012, notice.

In response to public comments, a notice expanding the description of OGC–EDMS and soliciting further public comments was published on November 15, 2012, at 77 FR 68140. Specifically, HUD clarified in the notice published on November 15, 2012 that when litigation is ''reasonably anticipated,'' related electronic data is forensically copied and maintained in a secure server environment separate from HUD's network servers as part of the OGC–EDMS. In this secure server environment, electronic data is preserved in a way that prevents metadata spoliation by the system or the owner of the data. HUD further clarified that electronic data is properly retained on network servers and other sources as mandated by the HUD's Office of General Counsel Records Disposition Schedule 2—Legal Records, 2225.6 REV–1, CHG–APPENDIX 2 [2] and HUD's Office of the Chief Information Officer Electronic Mail Policy, 2400.1 REV01, CHG.[3] These handbooks are available on HUD's Web pages through hudclips.

The public comment period for the November 15, 2012, notice closed on December 17, 2012. HUD received no public comments in response to the November 2012 additional solicitation of comment. In this notice, HUD provides a complete summary of the location, purposes, and operational description of EDMS. The summary is

[1] ''Reasonably anticipated'' is the legal test articulating the standard for when the duty to preserve electronically stored information begins. A key case is *Pension Comm. of the Univ. of Montreal Pension Plan* v. *Banc of Am. Secs., LLC,* 05 Civ. 9016 (SAS), 2010 U.S. Dist. LEXIS 4546, at *14–15 (S.D.N.Y. Jan. 15, 2010).

[2] *http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/admh/2225.6.*

[3] *http://www.hud.gov/offices/adm/hudclips/handbooks/cioh/.*

the same as that provided in the November 15, 2012, notice. HUD has made no further changes.

Authority: 5 U.S.C. 552a; 88 Stat. 1896; 42 U.S.C. 3535(d).

Dated: February 5, 2013.

Jerry E. Williams,

Chief Information Officer.

Summary Description of EDMS OGC.CAGC.01

SYSTEM NAME:

Office General Counsel Electronic Discovery Management System. (OGC–EDMS)

SYSTEM LOCATIONS:

The EDMS application will be stored on servers located at 4701 Forbes Boulevard, Lanham, MD 20706. Custodian data to be retrieved is stored on servers and HUD workstations located throughout the country.[4]

PURPOSES:

OGC–EDMS provides OGC with a method to initiate, track, and manage the collection, organization, and production of paper and electronic documents for discovery requests, such as litigation hold memoranda, E-Discovery certifications, electronically stored information (ESI) search requests, closure letters, and any other documents and data relevant to the discovery process requiring analysis, review, redaction, and production to respond to litigation discovery requirements. The purpose of this system is to assist HUD to collect electronically stored information and data of any individual who is, or will be, in litigation with HUD, as well as the attorneys representing the plaintiff(s) and defendant(s) in response to claims by employees, former employees, and other individuals; to assist in the settlement of claims against the government; to represent HUD during litigation, and to maintain internal statistics. A new software component is being added to HUD's EDMS process that will streamline the collection, storage, and analysis of case data to be responsive to requests to HUD.

On December 1, 2006, the Federal Rules of Civil Procedure were amended to create and clarify responsibility for preserving and accessing ESI. The obligation to preserve ESI, as well as paper records, begins when an individual ''reasonably anticipates'' litigation and concludes that the evidence may be relevant to such future litigation. Once an individual ''reasonably anticipates'' litigation, he/she must suspend any document alteration or destruction to ensure the preservation of relevant documents and electronically stored information, including emails.

EDMS and its various capabilities will allow OGC to streamline and automate the document and data reviews it conducts, allow the attorneys to analyze the information in different formats, conduct the analysis in bulk more efficiently, and protect unwarranted disclosure of information by flagging files that contain information therein that is protected from disclosure.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The federal regulation(s)/statute(s) that gives OGC the authority to collect and store this information is Federal Rules of Civil Procedure (FRCP) 16(b) which allows the court to establish rules around disclosure, privilege, methods and work product prior to electronic discovery commencing. In this context, disclosure is the collection of data. Other relevant regulations surrounding the collection and management of electronic discovery are FRCP 26(b)(2), 26(b)(5)(B), 26(f), 33(d), 34(a), 34(b), 37(f), and 45.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include: (1) all persons subject to a litigation hold due to a ''reasonable anticipation of litigation'' as determined by HUD's OGC; (2) all persons deemed a participant of past or present litigation, investigations, or arbitration where HUD is involved; and (3) specified individuals impacted by FOIA requests, litigation, and other cases in HUD.

A wide variety of individuals are covered by the system including: individuals who either file administrative complaints with HUD or are the subject of administrative complaints initiated by HUD; individuals who are named parties in cases in which HUD believes it will or may become involved; individuals involved in matters within the jurisdiction of HUD either as plaintiffs or as defendants in both civil and criminal matters; witnesses, and to the extent not covered by any other system, tort and property claimants who have filed claims against the Government; individuals who are the subject of an action requiring approval or action by a HUD official, such as appeals, actions, training, awards, promotions, selections, grievances and delegations, including the OGC attorneys to whom cases are assigned, and attorneys and authorized representatives for whom HUD has received complaints regarding their practices before HUD.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include: (1) Custodian name; (2) Custodian work address; (3) Custodian email address; (4) Case Name; (5) Case number; (6) Custodian email data, including messages among other HUD employees and/or personnel of other federal agencies or outside entities, and attachments; (7) Custodian local/shared drive data of information collected or compiled from law enforcement or other agency databases; (8) Spreadsheets including data collections, often including personally identifiable information and sensitive law enforcement data used to track the process or investigations or focus investigative priorities; records relating to litigation by or against the U.S. Government (or litigation in which the U.S. Government is not a party, but has an interest) resulting from questions concerning HUD cases and legal actions that HUD either is involved in or in which it believes it will or may become involved; claims by or against the U.S. Government, other than litigation cases, arising from a transaction with HUD, and documents related thereto, including demographic information, vouchers, witness statements, legal decisions, and related material pertaining to such claims; investigation reports; legal authority; legal opinions and memoranda; criminal actions; criminal conviction records; claims and records regarding discrimination, including employment and sex discrimination; claims and records regarding the Rehabilitation Act of 1973 (26 U.S.C. 701); personnel matters; contracts; foreclosures; actions against HUD officials; records relating to requests for HUD records other than requests under the Freedom of Information Act and the Privacy Act of 1974; testimonies of HUD employees in federal, state, local, or administrative criminal or civil litigation; documentary evidence; supporting documents including the legal and programmatic issues of the case, correspondence, legal opinions and memoranda and related records; security clearance information; any type of legal document, including but not limited to complaints, summaries, affidavits, litigation reports, motions, subpoenas, and any other court filing or administrative filing or evidence; employee and former employee ethics question forms and responses; and court transcripts.

[4] *http://portal.hud.gov/hudportal/documents/huddoc?id=append2.pdf.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. To a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of the individual to whom the records pertain;

2. To the National Archives and Records Administration for use in its records management inspections and its role as an Archivist;

3. To the Department of Justice (DOJ) when seeking legal advice for a HUD initiative or in response to DOJ's request for the information, after either HUD or DOJ determine that such information is relevant to DOJ's representatives of the United States or any other component in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that disclosure of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose for which HUD collected the records. HUD on its own may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which HUD collected the records; or to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

4. To third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation;

5. To contractors, grantees, experts, consultants, and the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for HUD, when necessary to accomplish an agency function related to its system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to HUD officers and employees;

6. To third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the officer making the disclosure;

7. To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena;

8. To a grand jury agent pursuant either to a federal or state grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury, where the subpoena or request has been specifically approved by a court; and

9. To appropriate agencies, entities, and persons when: a) HUD suspects or has confirmed that the security or confidentiality of information in a system of records has been compromised; b) HUD has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of systems or programs (whether maintained by HUD or another agency or entity) that rely upon the compromised information; and c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm for purposes of facilitating responses and remediation efforts in the event of a data breach.

POLICIES FOR STORING, RETRIEVING, AND DISPOSING OF SYSTEM RECORDS:

STORAGE:

Data collected by OGC–EDMS is stored electronically in a Storage Area Network/Network Attached. There are no manual records stored or maintained outside the system. Storage is at a secure Lockheed Martin facility, and backed up via an Avamar Backup Storage system.

RETRIEVABILITY:

Records will be retrieved by the (1) Custodian name; (2) Work address; (3) Custodian email address; (4) Case name; (5) Case number; (6) Custodian email data; (7) Custodian local drive data; (8) Custodian home/shared drive data; (9) Litigation hold closures; (10) Litigation hold memoranda; (11) Litigation preservation notices; (12) Litigation hold reminder notices; and (13) ESI identification email notifications. E-Discovery notifications data is only accessed by individually assigned legal counsel on a case by case basis.

SAFEGUARDS:

Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who are authorized to access by appropriate security clearances and user ID/password permissions. Only assigned users with a need-to-know are allowed access, on a case-by-case basis, after going through HUD's background investigation process.

RETENTION AND DISPOSAL:

In response to the FRCP 16(b), when litigation is ''reasonably anticipated,'' related electronic data is copied and maintained in a secure server environment separate from HUD's network servers as part of the EDMS.[5] Upon authorization from a HUD Associate General Counsel, Regional Counsel, or other designated official, OGC closes a case. The closed case and related electronic litigation data that has been copied and secured in a production environment for the purposes of litigation is purged electronically from the EDMS. The purging process does not extend to purging electronic data from its original source, such as network servers. Electronic data is properly retained on network servers and other sources as required by HUD's Office of General Counsel Records Disposition Schedule 2—Legal Records, 2225.6 REV–1, CHG–APPENDIX 2[6] and the Electronic Mail Policy, 2400.1 REV01, CHG.[7]

SYSTEM MANAGERS AND ADDRESSES:

Office of General Counsel (OGC) Tenille Washburn, Assistant General Counsel, Field Management and IT Division, Department of Housing and Urban Development, 1250 Maryland Avenue SW., Suite 200, Washington, DC 20024. The phone contact information is (202) 402–6536. This is not a toll free number.

NOTIFICATION AND RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains

[5] Other relevant regulations surrounding the collection and management of electronic discovery are FRCP 26(b)(2), 26(b)(5)(B), 26(f), 33(d), 34(a), 34(b), 37(f), and 45.

[6] *http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/admh/2225.6.*

[7] *http://www.hud.gov/offices/adm/hudclips/handbooks/cioh/.*

information about them, or those seeking access to such records, should address inquiries to Donna Staton-Robinson, Chief Privacy Officer, Department of Housing and Urban Development, 451 7th Street SW., Room 4156, Washington, DC 20410. (Attention: Capitol View Building, 4th Floor.) The phone contact information is (202) 708–5495. This is not a toll free number. Provide verification of your identity by providing two proofs of official identification. Your verification of identity must include your original signature and must be notarized.

CONTESTING RECORD PROCEDURES:

HUD's rules for contesting the contents of records and appealing initial denials by the individual concerned appear in 24 CFR part 16. If additional information or assistance is needed, it may be obtained by contacting HUD officials as follows:

(i) Contesting contents of records: The Department of Housing and Urban Development, Chief Privacy Officer, 451 Seventh Street SW., Washington, DC 20410;

(ii) Appeals of initial HUD determinations: In relation to contesting contents of records, the HUD Departmental Privacy Appeals Officers, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

RECORD SOURCE CATEGORIES:

Documents and records in this system originate from HUD and its components, courts, subpoenas, law enforcement agencies, other federal, state, and local agencies, inquiries and/or complaints from witnesses or members of the general public.

EXEMPTIONS:

The records in EDMS are maintained for use in civil rather than criminal actions. For that reason, the relevant provision of the Privacy Act is 5 U.S.C. 552a(d)(5) which states ''nothing in this [Act] shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.'' (See U.S. Department of Justice, Office of Privacy and Civil Liberties, Overview of the Privacy Act of 1974 (2010) 212.[8])

[FR Doc. 2013–03071 Filed 2–8–13; 8:45 am]

BILLING CODE 4210–67–P

[8] *http://www.justice.gov/opcl/1974tenexemp.htm#one.*

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Invasive Species Advisory Committee; Meetings

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of public meetings of the Invasive Species Advisory Committee.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of meetings of the Invasive Species Advisory Committee (ISAC). Comprised of 31 nonfederal invasive species experts and stakeholders from across the nation, the purpose of the Advisory Committee is to provide advice to the National Invasive Species Council, as authorized by Executive Order 13112, on a broad array of issues related to preventing the introduction of invasive species and providing for their control and minimizing the economic, ecological, and human health impacts that invasive species cause. The Council is co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The duty of the Council is to provide national leadership regarding invasive species issues.

Purpose of Meeting: The meeting will be held on March 7–8, 2013 in Arlington, Virginia, and will focus on the changing approaches to invasive species. The purpose of the meeting is to convene the full ISAC and consider strategies and methodologies for implementing performance elements outlined in the 2008–2012 National Invasive Species Management Plan. The meeting agenda is now available on the NISC Web site, *www.invasivespecies.gov*. Supplemental materials will be uploaded to the site on or before Friday, February 22, 2013.

The full committee meeting on Thursday, February 7, 2013 and Friday, February 8, 2013 is open to the public. An orientation session will be held on Wednesday, February 06, 2013 for the 14 new ISAC members appointed by Secretary Ken Salazar on January 22, 2013. **Note:** There will be no committee business conducted during the orientation session, which is closed to the public.

DATES: ISAC New Member Orientation (CLOSED): Wednesday, February 6, 2013; 9:00 a.m.–1:45 p.m. Meeting of the Invasive Species Advisory Committee (OPEN): Thursday, February 7, 2013 through Friday, March 8, 2013, 8:00 a.m. to 5:00 p.m.

ADDRESSES: Sheraton Pentagon City, 900 South Orme Street, Arlington, VA 22204–4520. The general session on Thursday, February 7, 2013, and Friday, February 8, 2013 will be held in the Galaxy Ballroom.

FOR FURTHER INFORMATION CONTACT: Kelsey Brantley, National Invasive Species Council Program Specialist and ISAC Coordinator, Phone: (202) 513–7243; Fax: (202) 371–1751; email: *Kelsey_Brantley@ios.doi.gov.* Additional information can also be obtained from the NISC Web site, *www.invasivespecies.gov.*

Dated: February 6, 2013.

Lori Williams,

Executive Director, National Invasive Species Council.

[FR Doc. 2013–03062 Filed 2–8–13; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2013–N015; FXES11130400000EA–123–FF04EF1000]

Endangered and Threatened Wildlife and Plants; Receipt of Application for Incidental Take Permit; Availability of Proposed Low-Effect Habitat Conservation Plan; Florida Power Corporation, Progress Energy Florida Inc., Lake County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment/information.

SUMMARY: We, the Fish and Wildlife Service (Service), have received an application from Florida Power Corporation, Progress Energy Florida Inc. (applicant), for an incidental take permit (ITP). The applicant requests a 20-year ITP under the Endangered Species Act of 1973, as amended (Act). We request public comment on the permit application (#TE93592A–0) and accompanying proposed habitat conservation plan (HCP), as well as on our preliminary determination that the plan qualifies as low-effect under the National Environmental Policy Act (NEPA). To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

DATES: To ensure consideration, please send your written comments by March 13, 2013.

ADDRESSES: If you wish to review the application and HCP, you may request documents by email, U.S. mail, or phone (see below). These documents are also available for public inspection by appointment during normal business

hours at the office below. Send your comments or requests by any one of the following methods.

Email: northflorida@fws.gov. Use ''Attn: Permit number TE93592A–0'' as your message subject line.

Fax: Dawn Jennings, Acting Field Supervisor, (904) 731–3045, Attn.: Permit number TE93592A–0.

U.S. mail: Dawn Jennings, Acting Field Supervisor, Jacksonville Ecological Services Field Office, Attn: Permit number TE93592A–0, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

In-person drop-off: You may drop off information during regular business hours at the above office address.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, telephone: (904) 731–3121; email: *erin_gawera@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Act (16 U.S.C. 1531 et seq.) and our implementing Federal regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17 prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532). However, under limited circumstances, we issue permits to authorize incidental take—i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Regulations governing incidental take permits for threatened and endangered species are at 50 CFR 17.32 and 17.22, respectively. The Act's take prohibitions do not apply to federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, an incidental take permit's proposed actions must not jeopardize the existence of federally listed fish, wildlife, or plants.

Applicant's Proposal

The applicant is requesting take of approximately 8.95 ac of occupied sand skink foraging and sheltering habitat incidental to construction of a commercial development, and seeks a 20-year permit. The 18.6-ac project site is located on parcel # 27–22–26–000300000700 within Section 27, Township 22 South, Range 26 East, Lake County, Florida. The applicant proposes to mitigate for the take of the sand skink by the purchase of 17.9 mitigation credits within the Collany Conservation Bank.

Our Preliminary Determination

We have determined that the applicant's proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCP. Therefore, we determined that the ITP is a ''low-effect'' project and qualifies for categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). A low-effect HCP is one involving (1) Minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

Next Steps

We will evaluate the HCP and comments we receive to determine whether the ITP application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 et seq.). If we determine that the application meets these requirements, we will issue ITP # TE93592A–0. We will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP. If the requirements are met, we will issue the permit to the applicant.

Public Comments

If you wish to comment on the permit application, HCP, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under Section 10 of the Act and NEPA regulations (40 CFR 1506.6).

Dated: January 30, 2013.

Dawn Jennings,

Acting Field Supervisor, Jacksonville Field Office, Southeast Region.

[FR Doc. 2013–03038 Filed 2–8–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2012–N035; FXIA16710900000P5–123–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before March 13, 2013.

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES.** If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice,

and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

A. Endangered Species

Applicant: Miller Equipment Company, Hugo, OK; PRT–66682A

The applicant requests a permit to re-export a captive-born male Asian elephant (*Elephas maximus*) to Bowmanville Zoo, Ontario, Canada, for the purpose of enhancement of the survival of the species.

Applicant: The Board of Trustees of the University of Illinois, Champaign, IL; PRT–84465A

The applicant requests a permit to import samples from captive-born and wild solenodon species (*Solenodon species*), hutia species (*Mescocapromys species*), African elephant (*Loxodonta Africana*), Asian elephant (*Elephas maximus*), black rhinoceros (*Diceros bicornis*), white rhinoceros (*Ceratotherium simum*), Javan rhinoceros (*Rhinoceros sondaicus*), Indian rhinoceros (*Rhinoceros unicornis*), Northern white rhinoceros (*Ceratotherium s. cottoni*), Sumatran rhinoceros (*Dicerorhinus sumatrensis*), cheetah (*Acinonyx jubatus*), Pakistan sand cat (*Margarita scheffeli*), Black-footed cat (*Felis nigripes*), and Baird's tapir (*Tapirus bairdii*) from multiple locations for the purpose of enhancement of the species thorough scientific research. This notification covers activities to be conducted by the applicant over a 5-year period

Applicant: Hawthorn Corporation, Grayslake, IL; PRT–058735, 059163, 068350, 068353, 154232, 154233, 058658, 058659, 058660, 058662, 058665, 058666, 058667, 058668, 058736, and 182594

On August 17, 2011, we published a **Federal Register** notice inviting the public to comment on 6 applications for permits to conduct certain activities with endangered species (76 FR 51052). We are now reopening the comment period to allow the public the opportunity to review additional information submitted for the re-issuance of their permits to re-export and re-import six captive-born tigers (*Panthera tigris*) and an additional nine tigers and one Bengal tiger (*P.t. altaica*) to worldwide locations for the purpose of enhancement of the species. The permit numbers and animals are: 058735, Sariska; 059163, Kushka; 068350, Segal; 068353, Pashawn; 154232, Sirit; 154233, Shakma; 058658, Sampson; 058659, Neena; 058660, Samira; 058662, Tibor; 058665, Jasmine; 058666, Kiki; 058668, Vijay; 058736, Ravi; Bengal tiger—182594, Sissy; and 058667, Nakita. This notification covers activities to be conducted by the applicant over a 3-year period.

Applicant: Feld Entertainment, Inc., Vienna, VA; PRT–91242A, 91243A, 91244A, 91245A, 91246A, 91247A, 91248A, 91265A, 91266A, 91256A, 91257A, 91258A, 91259A, 91260A, 91261A, 91262A, 91263A, and 91264A

The applicant requests permits to export/re-export and reimport eight captive-born tigers (*Panthera tigris*), one captive-born Siberian tiger (*P. t. altaica*), eight captive-born Asian elephants (*Elephas maximus*), and one Asian elephant born in the wild to worldwide locations for the purpose of enhancement of the species. The permit numbers and animals are:

Tigers

91242A, Max; 91243A, Mariah; 91244A, Kashmere; 91245A, India; 91246A, Bella 91247A, Suzy; 91248A, Tara; 91265A, Derry; 91266A, Martin

Asian Elephants

91256A, Nicole; 91257A, Bonnie; 91258A, April; 91259A, Sundara; 91260A, Sara; 91261A, Rudy; 91262A, Mable; 91264A, Juliette; and 91263A, Kelly Ann

This notification covers activities to be conducted by the applicant over a 3-year period.

Applicant: Hawkins Taxidermy, Inc., Palisade, CO; PRT–89704A

The applicant requests a permit to export the sport-hunted trophy/trophies of two scimitar-horned oryx (*Oryx dammah*) culled from a captive herd maintained in the state of Texas, for the purpose of enhancement of the survival of the species.

Applicant: Antonio Gutierrez, Coronado, CA; PRT–91208A

The applicant requests a permit to export the sport-hunted trophy/trophies of one scimitar-horned oryx (*Oryx dammah*) culled from a captive herd maintained in the state of Texas, for the purpose of enhancement of the survival of the species.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Scott Stanislaw, Porter, TX; PRT–95418A;

Applicant: Stuart Nielsen, New England, ND; PRT–95489A.

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2013–03050 Filed 2–8–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2013–N013; FXES11130800000–134–FF08E00000]

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing these permits.

DATES: Comments on these permit applications must be received on or before March 13, 2013.

ADDRESSES: Written data or comments should be submitted to the Endangered Species Program Manager, U.S. Fish and Wildlife Service, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825 (telephone: 916–414–6464; fax: 916–414–6486). Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, Fish and Wildlife Biologist; see **ADDRESSES** (telephone: 760–431–9440; fax: 760–431–9624).

SUPPLEMENTARY INFORMATION: The following applicants have applied for scientific research permits to conduct certain activities with endangered species under section 10(a)(1)(A) of the Act (16 U.S.C. 1531 et seq.). We seek review and comment from local, State, and Federal agencies and the public on the following permit requests.

Applicants

Permit No. TE–91199A

Applicant: Sean M. Harris, San Diego, California

The applicant requests a permit to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–835365

Applicant: California Department of Water Resources (CDWR), Sacramento, California

The applicant requests a permit renewal and amendment to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*) throughout the range of each species in California; take (capture, mark, and release) the northern salt marsh harvest mouse (*Reithrodontomys raviventris halicoetes*) in Solano County, California; take (capture, handle, mark, tag, collect tissue, and release) the giant garter snake (*Thamnophis gigas*) throughout the range of the species in California; and take (capture, handle, and release) the California red-legged frog (*Rana draytonii*) (*R. aurora d.*) and the California tiger salamander (central DPS) (*Ambystoma californiense*) in Napa, Solano, Contra Costa, Alameda, San Joaquin, Santa Clara, Stanislaus, Merced, and Fresno Counties, California, in conjunction with survey and scientific research activities throughout the range of each species in California and Nevada for the purpose of enhancing the species' survival.

Permit No. TE–809232

Applicant: Bio-West Incorporated, Logan, Utah

The applicant requests an amendment to take (expand the range of authorized activities, and to seine, collect and preserve larva) the Razorback sucker (*Xyrauchen texanus*), take (seine, collect, and preserve larva) the bonytail chub (*Gila elegans*), and take (capture and release) the humpback chub (*Gila cypha*) in conjunction with surveys and scientific studies in Clark County, Nevada; and Mohave, La Paz, and Pima County, Arizona, for the purpose of enhancing the species' survival.

Permit No. TE–78622A

Applicant: Jared P. Taylor, Spring Valley, California

The applicant requests a permit to take (monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–840619

Applicant: Jeffrey D. Priest, Encinitas, California

The applicant requests a permit renewal to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) and take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys in San Diego, Riverside, San Bernardino, Los Angeles, and Ventura Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–787037

Applicant: Marie Simovich, San Diego, California

The applicant requests a permit renewal to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey and research activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–103076

Applicant: Transcon Environmental, Mesa, Arizona

The applicant requests a permit renewal and amendment to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with survey activities throughout the range of the species in California and Nevada for the purpose of enhancing the species' survival.

Permit No. TE–799570

Applicant: Carol W. Witham, San Diego, California

The applicant requests a permit renewal to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey and research activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–092162

Applicant: Andrew F. Borcher, Santee, California

The applicant requests an amendment to a permit to take (monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–195305

Applicant: Andres Aguilar, Merced, California

The applicant requests a permit renewal to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey and research activities in Merced, Madera, Glenn, San Luis Obispo, Solano, Stanislaus, Ventura, Contra Costa, and Fresno Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–799568

Applicant: Dana K. Kamada, San Clemente, California

The applicant requests a permit renewal to take (capture, handle, band, and release) the least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*) and take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys and population monitoring activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–93066A–0

Applicant: Esther M. Cole, Davis, California

The applicant requests a permit to take (harass by survey, capture, handle, and release) the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) in conjunction with survey and research activities in San Mateo County, California, for the purpose of enhancing the species' survival.

Permit No. TE–003269

Applicant: Robert A. James, San Diego, California

The applicant requests a permit renewal to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*); take (harass by survey, capture, and release) the Stephens' kangaroo rat (*Dipodomys stephensi*) and Pacific pocket mouse (*Perognathus longimembris pacificus*); and take (harass by survey) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with survey activities throughout the range of each species in California and Nevada for the purpose of enhancing the species' survival.

Permit No. TE–64546A

Applicant: Power Engineers, Meridian, Idaho

The applicant requests a permit amendment to take (harass by survey and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with survey and population monitoring activities throughout the range of the species in Nevada, Arizona, New Mexico, Texas, Utah, and Colorado for the purpose of enhancing the species' survival.

Permit No. TE–797315

Applicant: Michael L. Morrison, College Station, Texas

The applicant requests a renewal to take (capture, handle, and release) the salt marsh harvest mouse (*Reithrodontomys raviventris*), take (capture, handle, collect genetic material, and release) the Fresno kangaroo rat (*Dipodomys nitratoides exilis*), and take (capture, handle, mark, and release) the California tiger salamander (central DPS) (*Ambystoma californiense*) in conjunction with survey and scientific research activities throughout the range of each species in Alameda, Contra Costa, Fresno, Kings, Marin, Madera, Napa, San Mateo, Santa Clara, Solano, and Sonoma Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–93072A

Applicant: Joel J. Mulder, Carpinteria, California

The applicant requests a permit to take (survey, capture, handle, and release) the tidewater goby (*Eucyclogobius newberryi*) and unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) in conjunction with surveys and population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–090849

Applicant: David K. Wolff, San Luis Obispo, California

The applicant requests a permit renewal to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio),* longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–61783A

Applicant: Sonya E. Steckler, San Diego, California

The applicant requests a permit amendment to take (monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–190303

Applicant: Daniel W.H. Shaw, Tahoe City, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, and release) the California tiger salamander (Santa Barbara County DPS and Sonoma County DPS) (*Ambystoma californiense*) in conjunction with surveys and population studies throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–797233

Applicant: Entomological Consulting Services, Pleasant Hill, California

The applicant requests an amendment to a permit to take (survey, capture, handle and release) the Behren's silverspot butterfly (*Speyeria zerene behrensii*), Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*), lotis blue butterfly (*Lycaeides argyrognomon lotis*), callippe silverspot butterfly (*Speyeria callippe callippe*), San Bruno elfin butterfly (*Callophrys mossii bayensis*), mission blue butterfly (*Icaricia icarioides missionensis*), Lange's metalmark butterfly (*Apodemia mormo langei*), take (conduct habitat restoration activities) for the Zayante band-winged grasshopper (*Trimerotropis infantilis*), and take (capture, handle, transport, relocate, and release) the Smith's blue butterfly (*Euphilotes enoptes smithi*) in conjunction with surveys, population monitoring, and habitat restoration activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Public Comments

We invite public review and comment on each of these recovery permit applications. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Michael Long,

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2013–02983 Filed 2–8–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOF00000 L16520000.XX0000]

Notice of Meeting, Rio Grande Natural Area Commission

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Rio Grande Natural Area Commission will meet as indicated below.

DATES: The meeting will be held from 10 a.m. to 3:30 p.m. on March 14, 2013.

ADDRESSES: BLM Front Range District Office, 3028 East Main, Cañon City, CO 81212.

FOR FURTHER INFORMATION CONTACT: Denise Adamic, Public Affairs Specialist, BLM Front Range District Office, 3028 East Main St., Cañon City, CO 81212. Phone: (719) 269–8553. Email: *dadamic@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Rio Grande Natural Area Commission was established in the Rio Grande Natural Area Act (16 U.S.C. 460rrr–2). The nine-member Commission advises the Secretary of the Interior, through the BLM, concerning the preparation and implementation of a management plan for non-Federal land in the Rio Grande Natural Area, as directed by law. Planned agenda topics for this meeting include: finding a writer-editor to help develop the management plan, discussing what to do with abandoned structures in the Natural Area and a tour of the Wild Horse and Inmate Program training facilities. The public may offer oral comments at 10:15 a.m. or written statements, which may be submitted for the Commission's consideration. Please send written comments to Denise Adamic at the address above by March 1, 2013. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Summary minutes for the Commission meeting will be maintained in the San Luis Valley Field Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting. Meeting minutes and agenda are also available at: *www.blm.gov/co/st/en/fo/slvfo.html.*

Dated: January 31, 2013.

Helen M. Hankins,

BLM Colorado State Director.

[FR Doc. 2013–03040 Filed 2–8–13; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLES956000–L14200000–BJ0000]

Eastern States: Filing of Plat of Survey, North Carolina

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: On Thursday, January 3, 2013, there was published in the **Federal Register**, Volume 78, Number 318, on pages 318 through 319 a notice entitled ''Eastern States: Filing of Plats of Survey''. In said notice were plats of survey representing the dependent resurvey of a portion of the Qualla Indian Boundary, lands held in trust for the Eastern Band of Cherokee Indians, Swain County, in the State of North Carolina. This was accepted December 19, 2012.

The official filing of the plat is hereby stayed, pending consideration of all protests.

Dated: February 5, 2013.

Dominica Van Koten,

Chief Cadastral Surveyor.

[FR Doc. 2013–03041 Filed 2–8–13; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRSS–EQD–12283; PPWONRADB1, PPMRSNR1N.NA0000]

Proposed Information Collection; Comment Request: NPS Institutional Animal Care and Use Committee (IACUC) General Submission, Exhibitor, Annual Review, and Amendment Forms

AGENCY: National Park Service (NPS), U.S. Department of the Interior.

ACTION: Notice and request for comments.

SUMMARY: We (National Park Service) have submitted to the Office of Management and Budget (OMB) the information collection request (ICR) described below. This collection will consist of four forms (General Submission, Exhibitor, Annual Review, and Amendment Forms) used by the Institutional Animal Care and Use

Committee (NPS IACUC/the Committee) to ensure compliance with the Animal Welfare Act (AWA), its regulations (AWAR), and the Interagency Research Animal Committee (IRAC) principles for projects involving the use of animals in research, teaching, and/or exhibition. To comply with the Paperwork Reduction Act of 1995 and as a part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other federal agencies to comment on this ICR. We may not conduct or sponsor and a person is not required to respond to, a collection unless it displays a currently valid OMB control number.

DATE: To ensure that your comments on this ICR are considered, please submit them on or before March 13, 2013.

ADDRESSES: Please submit written comments on this information collection directly to the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior via email to *OIRA_Submission@omb.eop.gov* or fax at 202–395–5806; and identify your submission as 1024–IACUC. Please also send a copy your comments to Phadrea Ponds, Information Collections Coordinator, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525 (mail); or *phadrea_ponds@nps.gov* (email).

FOR FURTHER INFORMATION CONTACT: Jordan Spaak, NPS IACUC Administrator, by mail at Biological Resource Management Division 1201 Oakridge Drive, Suite 200 Fort Collins, CO 80525 or *Jordan_Spaak@nps.gov* (email). Or contact: *John Bryan at John_Bryan@nps.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Abstract

All research, teaching, and exhibition projects involving animals taking place on NPS territories must be approved by the NPS IACUC prior to their commencement. Principal Investigators (PI) are required to submit the completed General Submission, Exhibitor, Annual Review, and/or Amendment Forms as required for approval to the NPS IACUC Office.

II. Data

OMB Control Number: None. This collection is currently in use without an OMB Control Number.

Title: NPS Institutional Animal Care and Use Committee (IACUC) General Submission, Exhibitor, Annual Review, and Amendment Forms.

Type of Request: New.

Affected Public: State and Local Agencies, Businesses, non-profit organizations, and Universities (those entities involved in research, teaching, and exhibition projects involving the use of animals in NPS units).

Respondent's Obligation: Mandatory.

Frequency of Collection: Annually.

Estimated Annual Number of Respondents: 190.

Estimated Total Annual Burden Hours: 348 hours. We expect to receive 190 annual responses. We estimate that it will take an average of 3 hours to complete the General Submission or Exhibitor forms; 15 minutes to complete the Amendment form; and 10 minutes to complete the Annual Review form.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: None

III. Comments

On September 26, 2012 we published a **Federal Register** notice (77 FR 59222) announcing that we would submit this ICR to OMB for approval. Public comments were solicited for 60 days ending November 26, 2012. We received one comment that did not require a any changes to the information collection burden of this submission. No changes were made based on the comment.

We again invite comments concerning this ICR on: (1) Whether or not the proposed collection of information is necessary for the agency to perform its duties, including whether or not the information will have practical utility; (2) the accuracy of our estimate of the burden for this collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: February 5, 2013.

Madonna Baucum,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2013–03046 Filed 2–8–13; 8:45 am]

BILLING CODE 4312–EH–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–BOHA–12211; PPMPSPD1Z.YM0000; PPNEBOHAS1]

Boston Harbor Islands Advisory Council Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of Meeting.

SUMMARY: This notice announces the annual meeting of the Boston Harbor Islands Advisory Council. The agenda includes a presentation by Sally Snowman, 70th keeper of Boston Light, the election of officers, and a park update.

Date/Time: March 6, 2013, 6:00 p.m. to 8:00 p.m. (Eastern).

Location: WilmerHale, 60 State Street, 26th floor, Boston, MA 02109.

FOR FURTHER INFORMATION CONTACT: Bruce Jacobson, DFO, Boston Harbor Islands National Recreation Area, 408 Atlantic Avenue, Suite 228, Boston, MA 02110; telephone (617) 223–8669; email *Bruce_Jacobson@nps.gov*.

SUPPLEMENTARY INFORMATION: This meeting open to the public. Pre-registration is required for public attendance, contact Mary Raczko by email at *mary_raczko@nps.gov* or by phone at (617) 223.8666 or register online at *http://bostonharborislands.org/park-calendar*. Those wishing to submit written comments may contact the Designated Federal Official for the Boston Harbor Islands Advisory Council, Bruce Jacobson, by mail at 408 Atlantic Avenue, Suite 228, Boston, MA 02110. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The Advisory Council was appointed by the Director of National Park Service pursuant to Public Law 104–333. The purpose of the Council is to advise and make recommendations to the Boston Harbor Islands Partnership with respect

to the implementation of a management plan and park operations. Efforts have been made locally to ensure that the interested public is aware of the meeting dates.

Bruce Jacobson,

Designated Federal Official, Boston Harbor Islands National Recreation Area Northeast Region.

[FR Doc. 2013–03048 Filed 2–8–13; 8:45 am]

BILLING CODE 4310–WV–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–DPOL–12245; PPWODIREP0] [PPMPSPD1Y.YM0000]

Notice of February 28, 2013, Teleconference Meeting of the National Park System Advisory Board

AGENCY: National Park Service, Interior.

ACTION: Meeting Notice.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix, that the National Park System Advisory Board will conduct a teleconference meeting on February 28, 2013. Members of the public may attend the meeting in person in Washington, DC.

DATES: The teleconference meeting will be held on February 28, 2013, from 3:00 p.m., to 4:00 p.m., Eastern Standard Time, inclusive.

ADDRESSES: The teleconference meeting will be conducted in Conference Room 3121 of the Stewart Lee Udall Department of the Interior Building, 1849 C Street NW., Washington, DC 20240, telephone (202) 208–3818. Photo identification is required for entry to this Federal building.

Agenda: During this teleconference, the Board will deliberate the report of its National Historic Landmarks Committee, *American Latinos and the Making of the United States: A Theme Study.*

FOR FURTHER INFORMATION CONTACT: For information concerning the National Park System Advisory Board or to request to address the Board, contact Shirley Sears Smith, National Park Service, 1201 I Street NW., 12th Floor, Washington, DC 20005, telephone (202) 354–3955, email *shirley_s_smith@nps.gov.*

SUPPLEMENTARY INFORMATION: Due to the limited scope of this meeting, the National Park Service has determined that a teleconference will be the most efficient way to convene the Board members. The Board meeting will be open to the public in the same way that other Board meetings have been open to the public. Space and facilities to accommodate the public are limited and attendees will be accommodated on a first-come basis. Opportunities for oral comment will be limited to no more than 3 minutes per speaker and no more than 15 minutes total. The Board's Chairman will determine how time for oral comments will be allotted. Anyone may file with the Board a written statement concerning matters to be discussed. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Draft minutes of the meeting will be available for public inspection about 12 weeks after the meeting in the 12th floor conference room at 1201 I Street NW., Washington, DC.

Dated: February 5, 2013.

Alma Ripps,

Acting Chief, Office of Policy.

[FR Doc. 2013–02967 Filed 2–8–13; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

Gulf of Mexico, Outer Continental Shelf (OCS), Central Planning Area (CPA) Oil and Gas Lease Sale 227

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of Availability (NOA) of a Record of Decision (ROD) for CPA Lease Sale 227 in the Gulf of Mexico OCS Oil and Gas Lease Sales: 2012–2017 Western Planning Area Lease Sales 229, 233, 238, 246, and 248; and Central Planning Area Lease Sales 227, 231, 235, 241, and 247; Final Environmental Impact Statement (Multisale FEIS).

Authority: This NOA is published pursuant to the regulations (40 CFR 1506) implementing the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.* (1988)).

SUMMARY: BOEM has prepared a ROD for oil and gas CPA Lease Sale 227 scheduled for March 20, 2013. CPA Lease Sale 227 is the first CPA lease sale in the 2012–2017 OCS Oil and Gas Leasing Program. The proposed lease sale is in the Gulf of Mexico's CPA off the States of Louisiana, Alabama, and Mississippi. In making its decision, BOEM considered alternatives to the proposed action and the potential impacts as presented in the Multisale FEIS and all comments received throughout the NEPA process. The Multisale FEIS evaluated the environmental and socioeconomic impacts for CPA Lease Sale 227.

SUPPLEMENTARY INFORMATION: In the Multisale FEIS, BOEM evaluated three alternatives, which are summarized below:

Alternative A—The Proposed Action: This is BOEM's preferred alternative. This alternative would offer for lease all unleased blocks within the CPA for oil and gas operations with the following exceptions:

(1) Whole and portions of blocks deferred by the Gulf of Mexico Energy Security Act of 2006;

(2) Blocks that are beyond the United States Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap; and

(3) Whole and partial blocks that lie within the 1.4 nautical mile buffer zone north of the maritime boundary between the United States and Mexico.

The proposed CPA lease sale area encompasses about 63 million acres of the total CPA area of 66.45 million acres. As of October 2012, approximately 38 million acres of the CPA lease sale area are currently unleased. The estimated amount of resources projected to be developed as a result of proposed CPA Lease Sale 227 is 0.460–0.894 billion barrels of oil and 1.939–3.903 trillion cubic feet of gas.

Alternative B—The Proposed Action Excluding the Unleased Blocks Near Biologically Sensitive Topographic Features: This alternative would offer for lease all unleased blocks in the CPA, as described for the proposed action (Alternative A), with the exception of any unleased blocks subject to the Topographic Features Stipulation.

Alternative C—No Action: This alternative would cancel the proposed CPA Lease Sale 227 and is identified as the environmentally preferred alternative.

After careful consideration, BOEM has selected a subset of the proposed action, identified as BOEM's preferred alternative (Alternative A) in the Multisale FEIS with a change to exception 2 above to read, blocks that are adjacent to the southern extent of or beyond the United States Exclusive Economic Zone. BOEM's selection of this alternative balances the need for orderly resource development with protection of the human, marine, and

coastal environments, while simultaneously ensuring that the public receives an equitable return for these resources and that free-market competition is maintained.

Record of Decision Availability: To obtain a single printed or CD–ROM copy of the ROD for proposed CPA Lease Sale 227, you may contact the BOEM, Gulf of Mexico OCS Region, Public Information Office (GM 250I), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394 (1–800–200–GULF). An electronic copy of the ROD is available on BOEM's Internet Web site at *http://boem.gov/Environmental-Stewardship/Environmental-Assessment/NEPA/nepaprocess.aspx.*

FOR FURTHER INFORMATION CONTACT: For more information on the ROD, you may contact Mr. Gary D. Goeke, Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard (GM 623E), New Orleans, Louisiana 70123–2394. You may also contact Mr. Goeke by telephone at (504) 736–3233.

Tommy P. Beaudreau,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2013–03039 Filed 2–8–13; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0001]

Agency Information Collection Activities: Submitted for Office of Management and Budget Review; Comment Request

AGENCY: Office of the Secretary, Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice of an extension of a currently approved information collection (OMB Control Number 1012–0010).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information requests that we will submit to the Office of Management and Budget (OMB) for review and approval. OMB formerly approved this information collection request (ICR) under OMB Control Number 1010–0120. On March 6, 2011, OMB approved a new series number for ONRR and renumbered our ICRs. This ICR pertains to royalty and production reporting on solid minerals and geothermal leases on Federal and Indian lands. This ICR covers the paperwork requirements in the regulations under title 30, *Code of Federal Regulations* (CFR), parts 1202, 1206, 1210, 1212, 1217, and 1218. The title of this ICR is ''30 CFR Parts 1202, 1206, 1210, 1212, 1217, and 1218, Solid Minerals and Geothermal Resources.'' There are three forms associated with this information collection.

DATES: Submit written comments on or before April 12, 2013 in order to assure consideration.

ADDRESSES: You may submit comments on this ICR to ONRR by any of the following methods (please use ''ICR 1012–0010'' as an identifier in your comment):

- Electronically go to *http://www.regulations.gov*. In the entry titled ''Enter Keyword or ID,'' enter ''ONRR–2011–0001,'' and then click ''Search.'' Follow the instructions to submit public comments.
- Mail comments to Stephen Chubb, Regulatory Specialist, Office of Natural Resources Revenue, P.O. Box 25165, MS 64000A, Denver, Colorado 80225.
- Hand-carry comments, or use an overnight courier service to ONRR. Our courier address is Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Stephen Chubb, Regulatory Specialist, email *Stephen.Chubb@onrr.gov*. You may also contact Mr. Chubb to obtain copies, at no cost, of (1) the ICR, (2) any associated forms, and (3) the regulations that require us to collect the information. You may also review the information collection online at *http://www.reginfo.gov/public/PRAMAIN* and select ''Information Collection Review,'' then select ''Department of the Interior'' in the drop-down box under ''Currently Under Review.''

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Parts 1202, 1206, 1210, 1212, 1217, and 1218, Solid Minerals and Geothermal Collections.

OMB Control Number: 1012–0010.

Bureau Form Number: Forms MMS–4430, MMS–4292, and MMS–4293.

Note: ONRR will publish a rule updating our form numbers to Forms ONRR–4430, ONRR–4292, and ONRR–4293.

Abstract: The Secretary of the United States Department of the Interior is responsible for mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary's responsibility, according to various laws, is to manage mineral resource production from Federal and Indian lands and the OCS, collect the royalties and other mineral revenues due, and distribute the funds collected under those laws. We have posted those laws pertaining to mineral leases on Federal and Indian lands and the OCS at *http://www.onrr.gov/Laws_R_D/PublicLawsAMR.htm*.

The Secretary also has a trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. ONRR performs the minerals revenue management functions for the Secretary and assists the Secretary in carrying out the Department's trust responsibility for Indian lands.

Effective October 1, 2010, ONRR reorganized and transferred their regulations from chapter II to chapter XII in title 30 of the *Code of Federal Regulations,* resulting in a change to our citations. You can find the information collections covered in this ICR at 30 CFR part 1202, subpart H, which pertains to geothermal resources royalties; part 1206, subparts F, H, and J, which pertain to product valuation of Federal coal, geothermal resources, and Indian coal; part 1210, subparts E and H, which pertain to production and royalty reports on solid minerals and geothermal resources leases; part 1212, subparts E and H, which pertain to recordkeeping of reports and files for solid minerals and geothermal resources leases; part 1217, subparts E and H, which pertain to audits and inspections of coal, other solid minerals, and geothermal resources leases; and part 1218, subparts E and F, which pertain to royalty, rental, bonuses, and other monies payment for solid minerals and geothermal resources. All data reported is subject to subsequent audit and adjustment.

I. General Information

When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share in an amount or value of production from the leased lands. The lessee, or designee, must report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling of such minerals.

II. Information Collections

ONRR, acting for the Secretary, uses the information that we collect to ensure that lessees accurately value and appropriately pay all royalties based on correct product valuation. ONRR and other Federal Government entities,

including the Bureau of Safety and Environmental Enforcement, Bureau of Land Management, Bureau of Indian Affairs, and State and Tribal governmental entities, use the information for audit purposes and for evaluating the reasonableness of product valuation or allowance claims that lessees submit. Please refer to the burden hour chart for all reporting requirements and associated burden hours.

A. Solid Minerals

Producers of coal and other solid minerals from any Federal or Indian lease must submit current Form MMS–4430, Solid Minerals Production and Royalty Report, and other associated data formats. These companies also report certain data on Form MMS–2014, Report of Sales and Royalty Remittance (OMB Control Number 1012–0004). Producers of coal from any Indian lease must also submit Form MMS–4292, Coal Washing Allowance Report, and Form MMS–4293, Coal Transportation Allowance Report, if they wish to claim allowances on Form MMS–4430. The information that ONRR requests are the minimum necessary to carry out our mission and places the least possible burden on respondents.

B. Geothermal Resources

This ICR also covers some of the information collections for geothermal resources, which ONRR groups by usage (electrical generation, direct use, and byproduct recover), and by disposition of the resources (arm's-length (unaffiliated) contract sales, non-arm's-length contract sales, and no contract sales) within each use group. ONRR relies primarily on data that payors report on Form MMS–2014 for the majority of our business processes, including geothermal information. In addition to using the data to account for royalties that payors report, ONRR uses the data for monthly distribution of mineral revenues and audit and compliance reviews.

III. OMB Approval

We will request OMB approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge fiduciary duties and may also result in the loss of royalty payments. We protect the proprietary information that ONRR receives and do not collect items of a sensitive nature. It is mandatory that the reporters submit Form MMS–4430. Also, ONRR requires that reporters submit Forms MMS–4292 and MMS–4293 to obtain benefits for claiming allowances on Form MMS–4430.

Frequency: Monthly, annually, and on occasion.

Estimated Number of Respondents: 100 reporters.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 3,434 hours.

We have not included in our estimates certain requirements that companies perform in the normal course of business, and that ONRR considers usual and customary. We display the estimated annual burden hours by CFR section and paragraph in the following chart.

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
Part 1202—Royalties Subpart H—Geothermal Resources				
1202.351(b)(3)	Pay royalties on used, sold, or otherwise finally disposed of byproducts.	Hour burden covered under OMB Control Number 1012–0004.		
1202.353(a), (b), (c), and (d)	Report on Form MMS–2014, royalties or direct use fee due for geothermal resources, byproduct quantity, and commercially demineralized water quantity.	Hour burden covered under OMB Control Number 1012–0004. See § 1210.52.		
1202.353(e)	Maintain quality measurements for audits	AUDIT PROCESS—See Note.		
Part 1206—Product Valuation Subpart F—Federal Coal				
1206.253(c); 1206.254; and 1206.257(d)(1).	Maintain accurate records for Federal lease coal and all data relevant to the royalty value determination. Report the coal quantity information on appropriate forms under 30 CFR part 1210.	0.4166	816	340
1206.257(b)(1), (b)(3), (b)(4), and (d)(2).	Demonstrate and certify your arm's-length contract provisions including all consideration paid by buyer, directly or indirectly, for coal production. Provide written information of reported arm's-length coal sales value and quantity data.	AUDIT PROCESS—See Note.		
1206.257(d)(3)	Submit a one-time notification when first reporting royalties on Form MMS–4430 and for a change in method.	2	3	6
1206.257(f)	Submit all available data relevant to the value determination proposal.	5	2	10
1206.257(i)	Write and sign contract revisions or amendments by all parties to an arm's-length contract, and retroactively apply revisions or amendments to royalty value for a period not to exceed two years.	2	3	6

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.259(a)(1) and (a)(3)	Demonstrate that your contract is arm's-length. Provide written information justifying the lessee's washing costs.	AUDIT PROCESS—See Note.		
1206.259(a)(1)	Report actual washing allowance on Form MMS–4430 for arm's-length sales.	0.34	12	4
1206.259(b)(1)	Report actual washing allowance on Form MMS–4430 for non-arm's-length or no contract sales.	0.75	48	36
1206.259(b)(2)(iv)	Report washing allowance on Form MMS–4430 after lessee elects either method for a wash plant.	1	3	3
1206.259(b)(2)(iv)(A)	Report washing allowance on Form MMS–4430 for depreciation—use either straight-line, or a unit of production method.	1	3	3
1206.259(c)(1)(ii) and (c)(2)(iii)	Submit arm's-length and non-arm's-length washing contracts and related documents to ONRR.	AUDIT PROCESS—See Note.		
1206.262(a)(1)	Report transportation allowance on Form MMS–4430	0.333	240	80
1206.262(a)(1) and (a)(3)	Demonstrate that your contract is arm's-length. Provide written information justifying your transportation costs when ONRR determines the costs are unreasonable.	AUDIT PROCESS—See Note.		
1206.262(b)(1)	Report actual transportation allowance on Form MMS–4430 for non-arm's-length or no contract sales.	0.75	24	18
1206.262(b)(2)(iv)	Report transportation allowance on Form MMS–4430 after lessee elects either method for a transportation system.	1	3	3
1206.262(b)(2)(iv)(A)	Report transportation allowance on Form MMS–4430 for depreciation—use either straight-line, or a unit of production method.	1	3	3
1206.262(b)(3)	Apply to ONRR for exception from the requirement of computing actual costs.	1	3	3
1206.262(c)(1)(ii) and (c)(2)(iii)	Submit all arm's-length transportation contracts, production agreements, operating agreements, and related documents to ONRR.	AUDIT PROCESS—See Note.		
1206.264	Propose the value of coal for royalty purposes to ONRR for an ad valorem Federal coal lease.	1	1	1
1206.265	Notify ONRR if, prior to use, sale, or other disposition, you enhanced the value of coal.	1	1	1
Subpart H—Geothermal Resources				
1206.352(b)(1)(ii)	Determine the royalty on produced geothermal resources, used in your power plant for generation and sale of electricity, for Class I leases, as approved by ONRR.	Hour burden covered under OMB Control Number 1012–0004.		
1206.353(c)(2)(i)(A), (d)(9), and (e)(4).	Include a return on capital you invested when the purchase of real estate for transmission facilities is necessary. Allowable operating and maintenance expenses include other directly allocable and attributable operating and maintenance expenses that you can document.	AUDIT PROCESS—See Note.		
1206.353(g)	Request change to other depreciation alternative method with ONRR approval.	1	1	1
1206.353(h)(1) and (m)(2)	Use a straight-line depreciation method, but not below salvage value, for equipment. Amend your prior estimated Form MMS–2014 reports to reflect actual transmission cost deductions, and pay any additional royalties due plus interest.	Hour burden covered under OMB Control Number 1012–0004.		
1206.353(n)	Submit all arm's-length transmission contracts, production and operating agreements and related documents, and other data for calculating the deduction.	AUDIT PROCESS—See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.354(b)(1)(ii)	Redetermine your generating cost rate annually and request ONRR approval to use a different deduction period.	1	1	1
1206.354(c)(2)(i)(A), (d)(9), and (e)(4).	Include a return on capital you invested when the purchase of real estate for a power plant site is necessary. Allowable operating and maintenance expenses include other directly allocable and attributable operating and maintenance expenses that you can document.	AUDIT PROCESS—See Note.		
1206.354(g)	Request change to other depreciation alternative method with ONRR approval.	1	1	1
1206.354(h) and (m)(2)	Use a straight-line depreciation method, but not below the salvage value, for equipment. Amend your prior estimated Form MMS–2014 reports to reflect actual generating cost deductions and pay any additional royalties due plus interest.	Hour burden covered under OMB Control Number 1012–0004.		
1206.354(n)	Submit all arm's-length power plant contracts, production and operating agreements and related documents, and other data for calculating the deduction.	AUDIT PROCESS—See Note.		
1206.356(a)(1) and (a)(2)	Determine the royalty on produced significant geothermal resource quantities, for Class I leases, with the weighted average of the arm's-length gross proceeds used to operate the same direct-use facility; For Class I leases, the efficiency factor of the alternative energy source will be 0.7 for coal and 0.8 for oil, natural gas, and other fuels derived from oil and natural gas, or an efficiency factor proposed by the lessee and approved by ONRR.	Hour burden covered under OMB Control Number 1012–0004.		
1206.356(a)(3)	For Class I leases, a royalty determined by any other reasonable method approved by ONRR.	1	40	40
1206.356(b)(3)	Provide ONRR data showing the geothermal production amount, in pounds or gallons of geothermal fluid, to input into the fee schedule for Class III leases.	Hour burden covered under OMB Control Number 1012–0004.		
1206.356(c)	ONRR will determine fees on a case-by-case basis for geothermal resources other than hot water.	1	1	1
1206.357(b)(3); and 1206.358(d)	Determine the royalty due on byproducts by any other reasonable valuation method approved by ONRR. Use a discrete field on Form MMS–2014 to notify ONRR of a transportation allowance.	Hour burden covered under OMB Control Number 1012–0004.		
1206.358(d)(2) and (e); 1206.359(a)(1), (a)(2), (c)(2)(i)(A), (d)(9), and (e)(4).	Submit arm's-length transportation contracts for reviews and audits, if ONRR requires. Pay any additional royalties due plus interest, if you have improperly determined a byproduct transportation allowance.. Provide written information justifying your transportation costs if ONRR requires you to determine the byproduct transportation allowance. Include a return on capital if the purchase was necessary. Allowable operating and maintenance expenses include any other directly allocable and attributable operating and maintenance expenses that you can document.	AUDIT PROCESS—See Note.		
1206.359(g)	The lessee may not later elect to change to the other alternative without ONRR approval to compute costs associated with capital investment.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.359(h)(1) and (l)(2)	You must use a straight-line depreciation method based on the life of either equipment, or geothermal project. You must amend your prior Form MMS–2014 reports to reflect actual byproduct transportation cost deductions and pay any additional royalties due plus interest.	Hour burden covered under OMB Control Number 1012–0004.		
1206.360(a)(1), (a)(2), and (b); 1206.361(a)(1).	Retain all data relevant to the royalty value, or fee you paid. Show how you calculated then submit all data to ONRR upon request. ONRR may review and audit your data and will direct you to use a different measure, if royalty value, gross proceeds, or fee is inconsistent with subpart.	AUDIT PROCESS—See Note.		
1206.361(a)(2)	Pay either royalties or fees due plus interest if ONRR directs you to use a different royalty value, measure of gross proceeds, or fee.	Hour burden covered under OMB Control Number 1012–0004.		
1206.361(b), (c), and (d)	ONRR may require you to: increase the gross proceeds to reflect any additional consideration; use another valuation method; provide written information justifying your gross proceeds; demonstrate that your contract is arm's length; and certify that the provisions in your sales contract include all of the consideration the buyer paid you.	AUDIT PROCESS—See Note.		
1206.361(f)(2)	Write and sign contract revisions or amendments by all parties to the contract.	AUDIT PROCESS—See Note.		
1206.364(a)(1)	Request a value determination from ONRR in writing	12	1	12
1206.364(c)(2)	Make any adjustments in royalty payments, if you owe additional royalties, and pay the royalties owed plus interest after the Assistant Secretary issues a determination.	Hour burden covered under OMB Control Number 1012–0004.		
1206.364(d)(2)	You may appeal an order requiring you to pay royalty under the determination.	Hour burden covered under OMB Control Number 1012–0006.		
1206.366	State, tribal, or local government lessee must pay a nominal fee, if uses a geothermal resource.	Hour burden covered under OMB Control Number 1012–0004.		
Subpart J—Indian Coal				
1206.456(b)(1), (b)(3), and (b)(4)	Demonstrate that your contract is arm's-length. Provide written information justifying the reported coal value. And certify that your arm's-length contract provisions include all direct or indirect consideration paid by buyer for the coal production.	AUDIT PROCESS—See Note.		
1206.456(d)(1); 1206.452(c); 1206.453.	Retain all data relevant to the determination of royalty value to which individual Indian lease coal should be allocated. Report coal quantity information on Form MMS–4430, Solid Minerals Production and Royalty Report, as required under 30 CFR part 1210.	0.42	48	20
1206.456(d)(2)	An Indian lessee will make available arm's-length sales and sales quantity data for like-quality coal sold, purchased, or otherwise obtained from the area when requested by an authorized ONRR or Indian representative, or the Inspector General of the Department of the Interior or other persons authorized to receive such information.	AUDIT PROCESS—See Note.		
1206.456(d)(3)	Notify ONRR by letter identifying the valuation method used and procedure followed. This is a one-time notification due no later than the month the lessee first report royalties on the Form MMS–4430.	1	1	1
1206.456(f)	Propose a value determination method to ONRR; submit all available data relevant to method; and use that method until ONRR decides.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.456(i)	Write and sign contract revisions or amendments by all parties to an arm's-length contract.	1	1	1
1206.458(a)(1), (b)(1), (c)(1)(i), (c)(1)(iii), (c)(2)(i), and (c)(2)(iii).	Deduct the reasonable actual coal washing allowance costs incurred under an arm's-length contract, and allowance based upon their reasonable actual costs under a non-arm's-length or no contract, after submitting a completed page one of Form MMS–4292, Coal Washing Allowance Report, containing the actual costs for the previous reporting period, within 3 months after the end of the calendar year after the initial and for succeeding reporting periods, and report deduction on Form MMS–4430 for an arm's-length, or a non-arm's-length, or no contract.	2	1	2
1206.458(a)(3)	Provide written information justifying your washing costs when ONRR determines your washing value unreasonable.	AUDIT PROCESS—See Note.		
1206.458(b)(2)(iv)	The lessee may not later elect to change to the other alternative without ONRR approval.	1	1	1
1206.458(b)(2)(iv)(A)	Elect either a straight-line depreciation method based on the life of equipment or reserves, or a unit of production method.	1	1	1
1206.458(c)(1)(iv) and (c)(2)(vi)	Submit arm's-length washing contracts and all related data used on Form MMS–4292.	AUDIT PROCESS—See Note.		
1206.461(a)(1), (b)(1), (c)(1)(i), (c)(1)(iii), (c)(2)(i), and (c)(2)(iii).	Submit a completed page one of Form MMS–4293, Coal Transportation Allowance Report, of reasonable, actual transportation allowance costs incurred by the lessee for transporting the coal under an arm's-length contract, in which you may claim a transportation allowance retroactively for a period of not more than 3 months prior to the first day of the month that you filed the form with ONRR, unless ONRR approves a longer period upon a showing of good cause by the lessee. Submit also a completed Form MMS–4293 based upon the lessee's reasonable actual costs under a non-arm's-length or no contract. (Emphasis added.)	2	1	2
1206.461(a)(3)	Provide written information justifying your transportation costs when ONRR determines your transportation value unreasonable.	AUDIT PROCESS—See Note.		
1206.461(b)(2)(iv)	Submit completed Form MMS–4293 after a lessee has elected to use either method for a transportation system.	1	1	1
1206.461(b)(2)(iv)(A)	Submit completed Form MMS–4293 to compute depreciation for election to use either a straight-line depreciation, or unit-of-production method.	1	1	1
1206.461(b)(3)	Submit completed Form MMS–4293 for exception from the requirement of computing actual costs.	1	1	1
1206.461(c)(1)(iv) and (c)(2)(vi)	Submit arm's-length transportation contracts, production and operating agreements, and related documents used on Form MMS–4293.	AUDIT PROCESS—See Note.		
1206.463	Propose the value of coal for royalty purposes to ONRR for an ad valorem Federal coal lease.	1	1	1
1206.464	Notify ONRR if, prior to use, sale, or other disposition, you enhance the value of coal.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
Part 1210—Forms and Reports *Subpart E—Solid Minerals, General*				
1210.201(a)(1); 1206.259(c)(1)(i), (c)(2), (e)(2); 1206.262(c)(1), (c)(2)(i), (e)(2); 1206.458(c)(4), (e)(2); 1206.461(c)(4), (e)(2).	Submit a completed Form MMS–4430. Report washing and transportation allowances as a separate line on Form MMS–4430 for arm's-length, non-arm's-length, or no contract sales, unless ONRR approves a different reporting procedure. Submit also a corrected Form MMS–4430 to reflect actual costs, together with any payment, in accordance with instructions provided by ONRR.	0.75	1,668	1,251
1210.202(a)(1) and (c)(1)	Submit sales summaries via electronic mail where possible for all coal and other solid minerals produced from Federal and Indian leases and for any remote storage site.	0.50	900	450
1210.203(a)	Submit sales contracts, agreements, and contract amendments for sale of all coal and other solid minerals produced from Federal and Indian leases with ad valorem royalty terms.	1	30	30
1210.204(a)(1)	Submit facility data if you operate a wash plant, refining, ore concentration, or other processing facility for any coal, sodium, potassium, metals, or other solid minerals produced from Federal or Indian leases with ad valorem royalty terms.	0.5	130	65
1210.205(a) and (b)	Submit detailed statements, documents, or other evidence necessary to verify compliance, as requested.	AUDIT PROCESS—See Note.		
Subpart H—Geothermal Resources				
1210.351	Maintain geothermal records on microfilm, microfiche, or other recorded media.	Hour burden covered under OMB Control Number 1012–0004.		
1210.352	Submit additional geothermal information on special forms or reports.	1	1	1
1210.353	Submit completed Form MMS–2014 monthly once sales or utilization of geothermal production occur.	Hour burden covered under OMB Control Number 1012–0004.		
Part 1212—Records and Forms Maintenance *Subpart E—Solid Minerals—General*				
1212.200(a)	Maintain all records pertaining to Federal and Indian solid minerals leases for 6 years after records are generated unless the record holder is notified, in writing.	0.25	4,064	1,016
Subpart H—Geothermal Resources				
1212.351(a) and (b)	Retain accurate and complete records necessary to demonstrate that payments of royalties, rentals, and other amounts due under Federal geothermal leases are in compliance with laws, lease terms, regulations, and orders. Maintain all records pertaining to Federal geothermal leases for 6 years after the records are generated unless the recordholder is notified in writing.	Hour burden covered under OMB Control Numbers 1012–0004 (for Forms MMS–2014 and MMS–4054).		
Part 1217—Audits and Inspections *Subpart E—Coal*				
1217.200	Furnish, free of charge, duplicate copies of audit reports that express opinions on such compliance with Federal lease terms relating to Federal royalties as directed by the Director for the Office of Natural Resources Revenue.	AUDIT PROCESS—See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
Subpart F—Other Solid Minerals				
1217.250	Furnish, free of charge, duplicate copies of annual or other audits of your books.	AUDIT PROCESS—See Note.		
Subpart G—Geothermal Resources				
1217.300	The Secretary, or his/her authorized representative, will initiate and conduct audits or reviews that relate to compliance with applicable regulations.	AUDIT PROCESS—See Note.		
PART 1218—COLLECTION OF MONIES AND PROVISION FOR GEOTHERMAL CREDITS AND INCENTIVES Subpart E—Solid Minerals—General				
1218.201(b); 1206.457(b); 1206.460(d).	You must tender all payments under § 1218.51 except for Form MMS–4430 payments, include both your customer identification and your customer document identification numbers on your payment document, and you shall be liable for any additional royalties, plus interest, if improperly determined a washing or transportation allowance.	0.0055	1,368	8
1218.203(a) and (b)	Recoup an overpayment on Indian mineral leases through a recoupment on Form MMS–4430 against the current month's royalties and submit the tribe's written permission to ONRR.	1	1	1
Subpart F—Geothermal Resources				
1218.300; 1218.301; 1218.304; 1218.305(a).	Submit all rental and deferred bonus payments when due and pay in value all royalties due determined by ONRR. The payor shall tender all payments Pay the direct use fees in addition to the annual rental due. Pay advanced royalties, under 43 CFR 3212.15(a)(1) to retain your lease, that equal to the average monthly royalty you paid under 30 CFR part 1206, subpart H.	Hour burden covered under OMB Control Number 1012–0004.		
1218.306(a)(2)	You may receive a credit against royalties if ONRR approves in advance your contract.	4	1	4
1218.306(b)	Pay in money any royalty amount that is not offset by the credit allowed under this section.	Hour burden covered under OMB Control Number 1012–0004.		
TOTAL BURDEN			9,434	3,434

Note: Audit Process—The Office of Regulatory Affairs determined that the audit process is exempt form the Paperwork Reduction Act of 1995 because ONRR staff asks non-standard questions to resolve exceptions.

Estimated Annual Reporting and Recordkeeping ''Non-hour'' Cost Burden: We have identified no ''non-hour'' cost burdens associated with the collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501 *et seq.*) provides that an agency may not conduct or sponsor, and a person does not have to respond to, a collection of information unless it displays a currently valid OMB control number.

Comments: Section 3506(c)(2)(A) of the PRA requires each agency to ''* * * provide 60-day notice in the **Federal Register** * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information that ONRR collects; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

The PRA also requires agencies to estimate the total annual reporting ''non-hour cost'' burden to respondents or record-keepers resulting from the collection of information. If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods that you use to estimate (1) major cost factors, including system and technology acquisition, (2) expected useful life of capital equipment, (3) discount rate(s), and (4) the period over which you incur costs. Capital and startup costs include, among other items, computers and software that you purchase to prepare

for collecting information and monitoring, sampling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or to keep records for the Federal Government; or (iv) as part of customary and usual business or private practices.

Public Comment Policy: We will summarize all comments that we receive regarding this notice. We will publish that summary, including names and addresses of respondents, at *http://www.regulations.gov.* Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us, in your comment, to withhold from public view your personal identifying information, we cannot guarantee that we will be able to do so.

Information Collection Clearance Officer: Dave Alspach (202) 219–8526.

Dated: February 1, 2013.

Gregory J. Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2013–02959 Filed 2–8–13; 8:45 am]

BILLING CODE 4310–T2–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–869]

Certain Robotic Toys and Components Thereof; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 4, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Innovation First International, Inc. of Greenville, Texas; Innovation First, Inc. of Greenville, Texas; and Innovation First Labs, Inc. of Greenville, Texas. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain robotic toys and components thereof by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States or to prevent the establishment of such an industry.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2012).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 5, 2013, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain robotic toys and components thereof by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States or to prevent the establishment of such an industry;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants:

Innovation First International, Inc., 1519 Interstate 30 West, Greenville, TX 75402;

Innovation First, Inc., 1519 Interstate 30 West, Greenville, TX 75402;

Innovation First Labs, Inc., 1519 Interstate 30 West, Greenville, TX 75402.

(b) The respondents are the following entities alleged to be in violation of section 337, and the parties upon which the complaint is to be served:

CVS Pharmacy Inc., One CVS Drive, Woonsocket, RI 02895;

Zuru Inc., 4th Floor, De Castro Building, Drakes Highway, P.O. Box 4406, Road Town, Tortola, British Virgin Islands;

Zuru Ltd., Room 1210–1211 12/F, Block A, New Mandarin Plaza, 14 Science Museum Rd., TST East, Kowloon, Hong Kong;

Zuru Toys Inc., Shannon Wrigley & Co. Ltd., 30 Duke Street, Cambridge, New Zealand.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease

and desist order or both directed against the respondent.

Issued: February 5, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–03031 Filed 2–8–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0001]

Agency Information Collection Activities; Proposed Collection, Comments Requested; Revision of a Currently Approved Collection: Return A—Monthly Return of Offenses Known to Police and Supplement to Return A—Monthly Return of Offenses Known to Police

ACTION: 30-day Notice.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 77, Number 236, Page 73052, on December 07, 2012, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 13, 2013. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Revision of a currently approved collection.

(2) *The title of the form/collection:* Return A—Monthly Return of Offenses Known to Police and Supplement to Return A—Monthly Return of Offenses Known to Police

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Forms 1–720, 1–720a. 1–720b, 1–720c, 1–720d, 1–720e, and 1–706; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, tribal, and federal law enforcement agencies. Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials, 1930, this collection requests Part I offense and clearance data as well as stolen and recovered monetary values of stolen property throughout the United States from city, county, state, tribal, and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of crime data and to publish these statistics in the Semiannual and Preliminary Annual Reports and Crime in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are a potential of 18,233 law enforcement agency respondents; calculated estimates indicate 10 minutes for the Return A and 11 minutes for the Supplement to Return A.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 48,686 hours, annual burden, associated with this information collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, U.S. Department of Justice, Two Constitution Square, 145 N Street, NE., Room 3W–1407B, Washington, DC 20530.

Dated: February 6, 2013.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2013–02995 Filed 2–8–13; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0006]

Agency Information Collection Activities; Proposed Collection, Comments Requested; Extension of a Currently Approved Collection: Law Enforcement Officers Killed or Assaulted

ACTION: 30-day Notice.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 77, Number 236, Pages 73050–73051, on December 7, 2012, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 13, 2013. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Law Enforcement Officers Killed or Assaulted.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form 1–705; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, tribal, and federal law enforcement agencies. Abstract: Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials, 1930, this collection requests Law Enforcement Officers Killed or Assaulted data from city, county, state, tribal, and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of crime data and to publish these statistics in the Law Enforcement Officers Killed and Assaulted publication.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 18,233 law enforcement agency respondents; calculated estimates indicate 7 minutes per report.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 16,228 hours, annual burden, associated with this information collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE. Room 3W–1407B, Washington, DC 20530.

Dated: February 6, 2013.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2013–02996 Filed 2–8–13; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1190–0001]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Procedures for the Administration of Section 5 of the Voting Rights Act of 1965

ACTION: 60-Day Notice.

The Department of Justice (DOJ), Civil Rights Division (CRT) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until April 12, 2013. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Robert S. Berman, U.S. Department of Justice, Voting Section, Civil Rights Division, 950 Pennsylvania Avenue NW., 7243 NWB, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Procedures for the Administration of Section 5 of the Voting Rights Act of 1965

(3) *Agency form number:* None

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State or Local or Tribal Government. Other: None.

Abstract: Jurisdictions specially covered under the Voting Rights Act are required to comply with Section 5 of the Act before they may implement any change in a standard, practice, or procedure affecting voting. One option for such compliance is to submit that change to Attorney General for review and establish that the proposed voting changes are not racially discriminatory. The procedures facilitate the provision of information that will enable the Attorney General to make the required determination.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 5,892 respondents will complete each form within approximately 10.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 61,885 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: February 5, 2013.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2013–02944 Filed 2–8–13; 8:45 am]

BILLING CODE 4410–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 13–011]

NASA Advisory Council; Education and Public Outreach Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the Education and Public Outreach Committee of the NASA Advisory Council (NAC).

DATES: Tuesday, March 5, 2013, 9:00 a.m. to 5:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, 300 E Street SW., Washington, DC 20546, Room 7H45–A.

FOR FURTHER INFORMATION CONTACT: This meeting will also take place telephonically and via WebEx. Any interested person should contact Ms. Erika G. Vick, Executive Secretary for the Education and Public Outreach Committee, National Aeronautics and Space Administration, Washington, DC 20456, at *Erika.vick-1@nasa.gov,* no later than 12:00 p.m., local time, March 1, 2013, to get further information about participating via teleconference and/or WebEx. Presentations from previous committee meetings can be found at *http://www.nasa.gov/offices/nac/EPO_Meetings.html.*

SUPPLEMENTARY INFORMATION: The agenda for the meeting includes the following topics:

- November 2012 Meeting Review
- NASA Education Current Activities and Plans
- NASA Communications Current Activities and Plans
- Review Current Committee Recommendations
- Discuss Committee Recommendation Areas and Proposed Action Teams

The meeting will be open to the public up to the seating capacity of the room. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will need to show a valid picture identification such as a driver's license to enter the NASA Headquarters building (West Lobby—Visitor Control Center), and must state that they are attending the NASA Advisory Council Education and Public Outreach Committee meeting in Room 7H45–A, before receiving an access badge. All non-U.S citizens must fax a copy of their passport, and print or type their name, current address, citizenship, company affiliation (if applicable) to include address, telephone number, and their title, place of birth, date of birth, U.S. visa information to include type, number, and expiration date, U.S. Social Security Number (if applicable), and place and date of entry into the U.S., fax to Erika Vick, NASA Advisory Council Education and Public Outreach Committee Executive Secretary, FAX: (202) 358–4332, by no later than Monday, February 25, 2013. To expedite admittance, attendees with U.S. citizenship can provide identifying information 3 working days in advance by contacting Erika Vick via email at *erika.vick-1@nasa.gov* or by telephone at (202) 358–2209 or fax: (202) 358–4332.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2013–02997 Filed 2–8–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Notice of Agency Meeting

TIME AND DATE: 12:00 p.m., Friday, February 8, 2013.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed

MATTERS TO BE CONSIDERED:

1. Consideration of Supervisory Activities. Closed pursuant to Exemptions (5), (7), (8) and (9)(i)(B) and (ii).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304.

Mary Rupp,

Board Secretary.

[FR Doc. 2013–03207 Filed 2–7–13; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Environmental Research and Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Environmental Research and Education, #9487.

Dates: March 13, 2013, 9:00 a.m.–5:00 p.m., and March 14, 2013, 9:00 a.m.–2:00 p.m.

Place: Stafford I, Room 1235, National Science Foundation, 4201Wilson Blvd., Arlington, Virginia 22230.

Type of Meeting: Open.

Contact Person: Beth Zelenski, National Science Foundation, Suite 705, 4201 Wilson Blvd., Arlington, Virginia 22230. Phone 703–292–8500.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations, and oversight concerning support for environmental research and education.

Agenda

March 13, 2013

- Update on NSF environmental research and education activities
- Update on national and international collaborations
- Update on NSF's Science, Engineering and Education for Sustainability portfolio (SEES)

March 14, 2013

- Update on NSF priority areas
- Meeting with the NSF Director, Dr. Subra Suresh

Dated: February 6, 2013.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 2013–02966 Filed 2–8–13; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2011–0237]

Event Reporting Guidelines

AGENCY: Nuclear Regulatory Commission.

ACTION: NUREG–1022, Revision 3; notice of availability.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued NUREG–1022, Revision 3, ''Event Reporting Guidelines: 10 CFR 50.72 and 50.73.''

The NUREG–1022 contains guidelines that the NRC staff considers acceptable for use in meeting the event reporting requirements for operating nuclear power reactors. Revision 3 to NUREG–1022 incorporates clarifying revisions to the guidelines.

DATES: The effective date of NUREG–1022, Revision 3, is July 1, 2013.

ADDRESSES: Please refer to Docket ID NRC–2011–0237 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and are publicly-available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2011–0237. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.*
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* NUREG–1022, Revision 3 may be found in ADAMS under Accession No. ML13032A220.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Timothy Kobetz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1932, email: *Timothy.Kobetz@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Background

On October 13, 2011 (76 FR 63565), the NRC issued a **Federal Register** notice requesting public comment on the draft Revision 3 to NUREG–1022. Fourteen comment submissions from utilities or industry groups were received. The comment submissions are available under ADAMS Accession Nos.: ML11342A057, ML11353A269, ML11343A027, ML11347A428, ML11350A1132, ML11350A108, ML11350A109, ML11353A408, ML11353A409, ML11353A410, ML11353A411, ML11361A433, ML12005A210, ML12006A205, and ML12023A039. The NRC response to comments on draft Revision 3 of NUREG–1022 may be found in ADAMS under Accession No. ML12216A191. A summary of the major comments and how the NRC addressed those comments in the final version of NUREG–1022, Revision 3, is as follows:

- ''Events or Conditions That Could Have Prevented Fulfillment of a Safety Function.'' [50.72(b)(3)(v) and 50.73(a)(2)(v)]—Systems within scope. The comments indicated that the position found in the draft Revision 3 to NUREG–1022 constituted an NRC change in position in that the proposed position was contrary to discussions found in the **Federal Register** notice for the rule and RIS 2001–14. Upon further review, the NRC agrees. The final position is revised to be consistent with the positions found in the **Federal Register** notice associated with the rule, Regulatory Issue Summary 2001–14, and current guidance found in NUREG–1022, Revision 2. Systems within scope include only safety-related SSCs required by the Technical Specifications to be operable that are intended to mitigate the consequences of an accident as discussed in Chapters 6 and 15 of the Final Safety Analysis Report (or equivalent chapters).
- ''Events or Conditions That Could Have Prevented Fulfillment of a Safety Function.'' [50.72(b)(3)(v) and 50.73(a)(2)(v)]—Impact of Technical Specification on reportability. The comments indicated that the position found in the draft Revision 3 to NUREG–1022 constituted a change in NRC position. The comments also indicated that the changes, if implemented, will have the effect of requiring licensees to report events or conditions as a ''loss of safety function'' where no function is lost since a system may be declared inoperable and still be capable of providing the function relied upon in the plant's safety analysis. Upon further review, the NRC disagrees and the position found in the draft Revision 3 to NUREG–1022 is retained in the final version. For systems within scope, the inadvertent TS inoperability of a system in a required mode of applicability constitutes an event or condition for which there is no longer a reasonable expectation that equipment can fulfill its safety function. Therefore, such events or conditions are reportable.
- Reporting of Historical Events that Are Not Ongoing at the Time of Discovery under 10 CFR 50.72(a)(1)(ii). The comments indicated that the position found in the draft Revision 3 to NUREG–1022 constituted a change in NRC position. The comments also indicated that the reporting of historical events is a change that is inconsistent with the previously stated purposes for ENS notifications, which are to allow the NRC to determine whether immediate response is needed to ongoing events and to keep external stakeholders apprised of emerging events. Upon further review, the NRC disagrees and the position found in the draft Revision 3 to NUREG–1022 is retained in the final version. With the exception of ''Events or Conditions that Could Have Prevented Fulfillment of a Safety Function,'' (due to specific language found in 10 CFR 50.72(b)(3)(v)), and 10 CFR 50.72(a)(1)(ii) requires notifications for any event that occurred within 3 years of the date of discovery, even if the event was not ongoing at the time of discovery.
- Deletion of 10 CFR Part 21 guidance. The comments indicated that deletion of 10 CFR Part 21 guidance will result in no guidance being available for defect reporting. Upon further review, the NRC partially agrees with the submitted comments. The 10 CFR Part 21 guidance remains deleted in the final version of NUREG–1022, Revision 3, however, this **Federal Register** notice contains additional information below on the matter.

It should also be noted that an NRC employee non-concurred on the document and the employees' concerns and the agency disposition may be found under ADAMS Accession No. ML12363A061. The non-concurrence was in regard to systems within scope of ''Events or Conditions That Could Have Prevented Fulfillment of a Safety Function'' [50.72(b)(3)(v) and 50.73(a)(2)(v)].

Discussion

NUREG–1022 contains guidelines that the NRC staff considers acceptable for use in meeting the reporting requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.72 and 10 CFR 50.73. Revision 3 to NUREG–1022 incorporates revisions to the guidelines for the purpose of clarification. A discussion of the changes in NUREG–1022, Revision 3, may be found in the ''Discussion of Changes'' document (ADAMS Accession No. ML12216A185). Any changes in NUREG–1022, Revision 3, that are not discussed in the ''Discussion of Changes'' document are to be considered editorial in nature and should not be construed to have any regulatory or technical significance. The ''Discussion of Changes'' document also contains a list of public meetings held during the NUREG–1022 revision process.

It should be noted that NUREG–1022, Revision 2, Section 5.1.8, ''10 CFR Part 21 Reports,'' has been deleted because the NRC staff is currently evaluating the need for potential rulemaking associated with 10 CFR part 21 reports. The current NRC requirements and staff positions have not changed (i.e., stakeholders can use positions found in the 10 CFR Part 21 FRN and NUREG–1022, Revision 2, while the NRC determines the course of action associated with 10 CFR Part 21).

NUREG–1022, Revision 3, will become effective July 1, 2013. The reportability of newly discovered events or conditions (whether on-going or that may have occurred within 3 years prior to discovery) on or after the effective date will be evaluated by the staff using the guidance in NUREG–1022, Revision 3.

Backfitting and Issue Finality

The NRC has determined that the Backfit Rule, 10 CFR 50.109, ''Backfitting,'' does not apply to the issuance of the revised guidance in NUREG–1022, Revision 3. The revised guidance in NUREG–1022, Revision 3, addresses compliance with the information collection and reporting requirements in 10 CFR 50.72 and 10 CFR 50.73. The Backfit Rule does not apply to information collection and reporting requirements. Therefore, the NRC has not prepared a backfit analysis for the issuance of Revision 3 to NUREG–1022.

In addition, the NRC has determined that issuance of the revised guidance in NUREG–1022, Revision 3, is not inconsistent with any of the issue finality provisions in 10 CFR Part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants.'' Those issue finality provisions do not apply to information collection and reporting obligations imposed on operators of nuclear power plants. In addition, the issue finality provisions in 10 CFR Part 52 do not apply to prospective applicants. As of the issuance of this revised guidance, there are no holders of combined licenses under 10 CFR part 52 that are currently protected by 10 CFR Part 52 issue finality provisions relevant to operation (*i.e.,* the period after the Commission has made the finding under 10 CFR 52.103(g)). Therefore, the NRC is not precluded from issuing NUREG–1022, Revision 3, by any of the 10 CFR Part 52 issue finality provisions.

Regulatory Analysis

The NRC performs regulatory analyses to support many NRC actions that affect nuclear power reactor and nonpower reactor licensees. The regulatory analysis process is intended to be an integral part of the NRC's decisionmaking that systematically provides complete disclosure of the relevant information supporting a regulatory decision. The NUREG/BR–0058, Revision 4, ''Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission,'' issued September 2004 (ADAMS Accession No. ML042820192) sets forth the NRC's policy for the preparation and the contents of regulatory analyses. As discussed in Section 2.2 of NUREG/BR–0058, Revision 4, mechanisms used by the NRC staff to establish or communicate generic requirements, guidance, requests, or staff positions that would affect a change in the use of resources by its licensees should include an accompanying regulatory analysis. Some changes found in NUREG–1022, Revision 3, can be construed as offering new positions or possibly affecting licensee resources. As a result, the staff determined that it should perform a regulatory analysis in order to provide complete disclosure of the relevant information supporting decisions associated with changes found in NUREG–1022, Revision 3. The final regulatory analysis can be found in ADAMS under Accession No. ML12216A186. Some of the comments contained within the fourteen comment submissions were comments pertaining to the Draft Regulatory Analysis (ADAMS Accession No. ML11116A168) that was issued along with the Draft NUREG–1022, Revision 3. A summary of the major/key comments and how the NRC addressed those comments in the final version of the regulatory analysis, is as follows:

- The draft regulatory analysis is inadequate in that no discussion on the deletion of 10 CFR part 21 guidance was presented. Upon further review, the NRC disagrees. A regulatory analysis on removal of 10 CFR Part 21 discussions is not required since, as indicated in this **Federal Register** notice, the current NRC requirements and staff positions have not changed.
- The draft regulatory analysis is inadequate in that there are no specific discussions on changes associated with (1) ''Events or Conditions That Could Have Prevented Fulfillment of a Safety Function'' [50.72(b)(3)(v) and 50.73(a)(2)(v)]—Impact of Technical Specification on reportability, and (2) Reporting of Historical Events under 10 CFR 50.72(a)(1)(ii). The regulatory analysis provides neither any analysis to justify the changes nor does it attempt to assess the potential impact(s) of the changes. Upon further review, the NRC disagrees. The NRC does not consider the positions found in NUREG–1022, Revision 3 to be changes in staff position.
- The draft regulatory analysis on ''Events or Conditions That Could Have Prevented Fulfillment of a Safety Function'' [50.72(b)(3)(v) and 50.73(a)(2)(v)]—Systems within scope, is inadequate in that the regulatory analysis underestimates the impact of the change on plant resources. Upon further review, the NRC agrees. The impact to stakeholders should now be minimal as the final NUREG–1022, Revision 3 position is revised to be consistent with the positions found in the **Federal Register** Notice associated with the rule, Regulatory Issue Summary 2001–14, and current guidance found in NUREG–1022, Revision 2. The regulatory analysis provides a complete disclosure of the relevant information supporting decisions associated with changes found in NUREG–1022, Revision 3.

Dated at Rockville, Maryland, this 5th day of February 2013.

For the Nuclear Regulatory Commission.

Ho K. Nieh,

Director, Division of Inspections and Regional Support, Office of Nuclear Reactor Regulation.

[FR Doc. 2013–03036 Filed 2–8–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–305; NRC–2013–0028]

Kewaunee Power Station; Application for Amendment to Facility Operating License

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal.

ADDRESSES: Please refer to Docket ID NRC–2013–0028 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and are publicly available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0028. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.*
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search,

select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Karl Feintuch, Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–415–3079; email: *karl.feintuch@nrc.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Dominion Energy Kewaunee, LLC (DEK, the licensee) to withdraw its July 30, 2012, application (ADAMS Accession No. ML12219A070) for proposed amendment to Renewed Facility Operating License No. DPR–43, for the Kewaunee Power Station (KPS), located in Wisconsin, Kewaunee County.

The proposed amendment would have revised the facility technical specifications pertaining to steam generator tube inspections and reporting as described in Technical Specification Task Force (TSTF)–510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection.''

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on October 16, 2012 (77 FR 63349). However, by letter dated November 27, 2012, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated July 30, 2012, and the licensee's letter dated November 27, 2012, which withdrew the application for license amendment (ADAMS Accession No. ML123380137).

Dated at Rockville, Maryland, this 31st day of January 2013.

For the Nuclear Regulatory Commission.

Karl D. Feintuch,

Project Manager, Plant Licensing Branch III–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2013–03037 Filed 2–8–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Request To Amend a License To Export Radioactive Waste

Pursuant to 10 CFR 110.70 (b) ''Public Notice of Receipt of an Application,'' please take notice that the Nuclear Regulatory Commission (NRC) has received the following request for an export license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link *http://www.nrc.gov/reading-rm.html* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within thirty days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E-Filing rule promulgated in August 2007, 72 FR 49139 (Aug. 28, 2007). Information about filing electronically is available on the NRC's public Web site at *http://www.rnc.gov/site-help/e-submittals.html.* To ensure timely electronic filing, at least 5 (five) days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by email at *HEARINGDOCKET@NRC.GOV,* or by calling (301) 415–1677, to request a digital ID certificate and allow for the creation of an electronic docket.

In addition to a request for hearing or petition for leave to intervene, written comments, in accordance with 10 CFR 110.81, should be submitted within thirty (30) days after publication of this notice in the **Federal Register** to Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications

The information concerning this export license amendment application follows.

NRC EXPORT LICENSE AMENDMENT APPLICATION

[Description of material]

Name of applicant; date of application; date received; application No.; docket No.	Material type	Total quantity	End use	Recipient country
Diversified Scientific Services, Inc., Janurary 10, 2013, January 16, 2013, XW008/04, 11005323.	Class A radioactive mixed waste consisting of material contaminated with various radionuclides in varying combinations which was imported from Canada under NRC license IW012 (and subsequent amendments), and may need to be returned to the Canadian generator for ultimate disposition.	Up to a maximum total of 420 kilograms (estimated quantity of Class A radioactive mixed waste) in a total of 378,000 kilograms of such waste that Diversified Scientific Services, Inc. is authorized by NRC license IW012 (and subsequent amendments) to import from Canada for processing.	Return of non-conforming waste and/or waste resulting from processing materials for appropriate disposition. Amend to: 1) add four ultimate consignees in Canada; and 2) revise ''Description of Materials or Facilities'' to include waste material that could not be recycled for beneficial reuse, or does not conform to specification, and/or has been processed for volume reduction and is waste directly attributable to processing the material imported under IW012 (and subsequent amendments).	Canada.

Dated this 1st day of February 2013 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

Stephen Dembek,

Acting Director, Office of International Programs.

[FR Doc. 2013–03049 Filed 2–8–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Request To Amend A License To Import; Radioactive Waste

Pursuant to 10 CFR 110.70 (b) ''Public Notice of Receipt of an Application,'' please take notice that the Nuclear Regulatory Commission (NRC) has received the following request to amend an import license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link *http://www.nrc.gov/reading-rm.html* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within thirty days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E-Filing rule promulgated in August 2007, 72 Fed. Reg 49139 (Aug. 28, 2007). Information about filing electronically is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* To ensure timely electronic filing, at least 5 (five) days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by email at *HEARINGDOCKET@NRC.GOV,* or by calling (301) 415–1677, to request a digital ID certificate and allow for the creation of an electronic docket.

In addition to a request for hearing or petition for leave to intervene, written comments, in accordance with 10 CFR 110.81, should be submitted within thirty (30) days after publication of this notice in the **Federal Register** to Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications

The information concerning this import license amendment application follows.

NRC IMPORT LICENSE AMENDMENT APPLICATION

[Description of material]

Name of applicant; date of application; date received; application no.; docket no.	Material type	Total quantity	End use	Country from
Diversified Scientific Services, Inc.; January 10, 2013; January 16, 2013; IW012/05; 11005322.	Class A radioactive mixed waste consisting of solids, semi-solids, and liquids contaminated with various materials including tritium, C–14, mixed fission product radionuclides and other contaminants, including on shipping containers.	Up to 378,000 kilograms. Total Activity Level: Up to 278 TBq (7,500 Ci).	Volume reduction. ..... Amend to: (1) add four Canadian suppliers to ''Points of Origin''; and (2) include authorization for the use of containers that are reused, recycled, or decontaminated for free release to ship the Canadian waste to Diversified Scientific Services, Inc. Licensee is authorized to incinerate the materials imported at its Boiler Industrial Furnace and the resultant residue, in the form of solids. Non-conforming waste will be returned to Canada for final disposition in accordance with the applicable NRC export license XW008/04.	Canada

Dated this 1st day of February 2013 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

Stephen Dembek,

Acting Director, Office of International Programs.

[FR Doc. 2013–03045 Filed 2–8–13; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. MC2013–38; Order No. 1649]

Removal of Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the removal of Confirm service from the market dominant product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 15, 2013.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION: *Notice of filing.* The Commission hereby provides notice that on February 1, 2013, the Postal Service filed a Request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* seeking to remove Confirm service from the market dominant product list in the Mail Classification Schedule.[1]

Product description. Confirm service provides value to mailers by allowing them to receive raw processing scan data when identifying barcodes (Intelligent Mail or PLANET Code) are placed onto mailpieces. Request at 1. The scan data are used to estimate when mailpieces will be delivered to recipients, allowing mailers to utilize this information to coordinate additional outreach with the delivery of mailpieces. *Id.* at 1–2.

Since the scan data offered through Confirm service provides added value to mailers, the Postal Service has incorporated the scan data function into Intelligent Mail barcode (IMb) Tracing, which is available at no fee as part of the classes of mail containing letters and flats. *Id.* at 2. As a result, mailers will continue to have access to the scan data when they place an IMb on their mailpieces. *Id.* Since there is a no fee alternative and all Confirm service subscriptions expired on January 21, 2013, the Postal Service states that removal of Confirm service from the market dominant product list fulfills the applicable criteria of 39 U.S.C. 3642.

Public documents. The Request includes the following supporting publicly-available material:

- Attachment A—A copy of Governors' Resolution No. 12–09, adopted October 5, 2012, authorizing the Request;
- Attachment B—A Statement of Supporting Justification addressing applicable rule 3020.32 requirements; and
- Attachment C—The proposed revision to the Mail Classification Schedule.

Proceedings. The Commission establishes Docket No. MC2013–38 for consideration of the instant Request. Interested persons may submit comments on whether the Request is consistent with the policies of 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* Comments are due no later than February 15, 2013. The Postal Service's Request can be accessed via the Commission's Web site (*http://www.prc.gov*).

James F. Callow is designated as the Public Representative to represent the interests of the general public in this matter.

It is ordered:

1. The Commission establishes Docket No. MC2013–38 for consideration of the Request of the United States Postal Service to Remove Confirm Service from the Market-Dominant Product List, filed February 1, 2013.

2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due by February 15, 2013.

4. The Secretary shall arrange for the publication of this Order in the **Federal Register**.

[1] Request of the United States Postal Service to Remove Confirm Service from the Market-Dominant Product List, February 1, 2013 (Request).

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2013–02963 Filed 2–8–13; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–149, OMB Control No. 3235–0130]

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 17Ad–2(c), (d), and (h).

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (Commission) has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17Ad–2(c), (d), and (h), (17 CFR 240.17Ad–2(c), (d), and (h)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17Ad–2(c), (d) and (h) enumerates the requirements with which registered transfer agents must comply to inform the Commission or the appropriate regulator of a transfer agent's failure to meet the minimum performance standards set by the Commission rule by filing a notice.

While it is estimated there are 477 registered transfer agents, approximately 116 of these transfer agents qualify as small entities under Exchange Act Rule 0.10, 17 CFR 240.0.10 and are thereby exempted from Rule 17Ad–2(c), (d), and (h), leaving approximately 361 transfer agents subject to the rule. Each of these transfer agents annually files about five notices pursuant to Rule 17Ad–2(c), (d), and (h), for an industry-wide total of 1,805 notices per year (361 × 5). The estimated annual cost of these filings to respondents is minimal in view of: (a) the readily available nature of most of the information required to be included in the notice (since that information must be compiled and retained pursuant to other Commission rules); and (b) the summary fashion in which such information must be presented in the notice (most notices are one page or less in length). In light of the above, and based on the experience of the staff regarding the notices, the Commission staff estimates that, on average, most notices require approximately one-half hour to prepare. Thus, the Commission staff estimates that each transfer agent subject to the rule spends an average of two and a half hours per year complying with the rule for an industry-wide total of 902.5 hours per year (361 × 2.5).

The retention period for the recordkeeping requirement under Rule 17Ad–2(c), (d), and (h) is not less than two years following the date the notice is submitted. The recordkeeping requirement under this rule is mandatory to assist the Commission in monitoring transfer agents who fail to meet the minimum performance standards set by the Commission rule. This rule does not involve the collection of confidential information. A transfer agent is not required to file under the rule unless it does not meet the minimum performance standards for turnaround, processing or forwarding items received for transfer during a month.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

Background documentation for this information collection may be viewed at the following Web site: *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: February 5, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–02954 Filed 2–8–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Notice of Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Wednesday, February 13, 2013 at 10:00 a.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

The Commission will consider whether to approve the 2013 budget of the Public Company Accounting Oversight Board and will consider the related annual accounting support fee for the Board under Section 109 of the Sarbanes-Oxley Act of 2002.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 551–5400.

Dated: February 6, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–03072 Filed 2–7–13; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68830; File No. SR–EDGA–2013–03]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGA Exchange, Inc. Fee Schedule

February 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 30, 2013, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees and rebates applicable to Members[3] and non-Members of the Exchange pursuant to EDGA Rule 15.1(a) and (c). All of the changes described herein are

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As defined in Exchange Rule 1.5(n).

applicable to EDGA Members and non-Members. The text of the proposed rule change is available on the Exchange's Internet Web site at *www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

In SR–EDGA–2010–06,[4] the Exchange proposed to adopt an annual fee per physical port utilized by Members and non-Members to connect to the Exchange's System[5] for order entry and the receipt of Exchange data, among other reasons. A physical port is a port used by a Member or non-Member to connect into the Exchange at the data centers where Exchange servers are located. Physical port connections can occur either through an external telecommunication circuit or a cross-connection. The Exchange noted at the time of filing that other market centers provided similar services.[6]

In SR–EDGA–2010–22,[7] the Exchange amended its fee schedule, effective January 1, 2011, to allow Members and non-Members the option of paying monthly fees for physical ports used to enter orders in the Exchange's System.

The Exchange proposes to amend its fee schedule to eliminate the option for Members and non-Members to pay for physical ports on an annual basis. The Exchange's current monthly rates that it charges Members and non-Members for physical ports remains unchanged; therefore, the Exchange will assess a monthly fee of $500 per physical port that connects to the Exchange's System via 1 gigabyte Copper circuits; $750 per physical port that connects to the Exchange's System via 1 gigabyte Fiber circuits; and $1,000 per physical port that connects to the Exchange's System via 10 gigabyte Fiber circuits. In addition, the Exchange proposes to pro-rate for the month of January 2013 only the annual fee paid by Members or non-Members who currently have annual billing as of January 1, 2013 and then convert those Members or non-Members to monthly billing starting in February 2013, subject to the execution of a new contract that the Exchange has distributed to all Members and non-Members to reflect this change.[8] Furthermore, Direct Edge represents that its Members and non-Members who currently have annual contracts for physical ports have either consented to be converted to a month-to-month contract at the proposed rates, or elected to terminate their contract because they no longer require the service.

The Exchange proposes to implement these amendments to its fee schedule on February 1, 2013. Members and Non-Members were notified of the planned changes on November 8, 2012 and through subsequent direct communication.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[9] in general, and furthers the objectives of Section 6(b)(4),[10] in particular, as it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges as its billing for port fees is reasonably constrained by competitive alternatives. For example, the change to monthly billing is reasonable because it is consistent with the monthly options offered by other exchanges, such as the BATS Exchange, Inc. (''BATS'') and NASDAQ Stock Market LLC (''NASDAQ'').[11] Furthermore, Members and other persons using the Exchange facilities also have the ability to obtain access to these services without the need for an independent physical port connection, such as through alternative means of financial extranets and service bureaus that act as a conduit for orders entered by Members and non-Members. Members and non-Members also have the ability to choose lower cost connection service types and still obtain access to all EDGA services.

Furthermore, the fees associated with physical ports will continue to be equitably allocated and non-discriminatory as they will continue to be uniform in application to all Members and non-Members. Members and non-Members will continue to choose whether they want more than one physical port and choose the method of connectivity based on their specific needs.

The proposed rule change is also an equitable allocation of reasonable dues, fees, and other charges because, for Members and non-Members, the payment of physical connectivity fees on a monthly basis provides administrative benefits over payments made on an annual basis. For example, payment on a monthly basis allows Members and non-Members to opt-in or opt-out of physical connectivity on thirty (30) days' notice. Members and non-Members that choose to cancel their physical connectivity within the thirty (30) days' notice will have no recurring obligation.

Finally, the proposed rule change is also an equitable allocation of reasonable dues, fees, and other charges as the Exchange believes that the increased fees obtained through the monthly port fees over the course of a year over annual port fees (an increase of $1,000 per year per port on all 1Gb copper circuits, $1,500 per year per port on all 1Gb Fiber circuits, and $2,000 per year per port on all 10 Gb Fiber circuits) will enable it to cover its increased infrastructure costs associated with allowing Members and non-Members to establish physical ports to connect to the Exchange's systems and continue to maintain and improve its infrastructure, market technology, and services. The Exchange believes that the proposed

[4] *See* Securities Exchange Act Release No. 62436 (July 1, 2010), 75 FR 39600 (July 9, 2010) (SR–EDGA–2010–06).

[5] As defined in Exchange Rule 1.5(cc).

[6] *See* Securities Exchange Act Release No. 62436 (July 1, 2010), 75 FR 39600, 39601 (July 9, 2010) (SR–EDGA–2010–06) (citing Securities Exchange Act Release No. 61545 (February 19, 2010), 75 FR 8769 (February 25, 2010) (SR–BATS–2009–032) and Securities Exchange Act Release No. 62392 (June 28, 2010), 75 FR 38857 (July 6, 2010) (SR–NASDAQ–2010–077)).

[7] *See* Securities Exchange Act Release No. 63519 (December 10, 2010), 75 FR 78791 (December 16, 2010) (SR–EDGA–2010–22).

[8] For example, Members or non-Members who are currently billed annually will pay $416 per physical port for 1GB copper circuits ($5,000 annual fee/12 months) for the month of January 2013 only and then shift to a monthly billing arrangement and pay $500 per physical port from February 2013–December 2013 (monthly billing).

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

[11] The Exchange notes that BATS and NASDAQ only allow for payment of physical port fees on a monthly basis. *See* BATS Exchange, Inc., BATS BZX and BYX Exchange Fee Schedules, *http://cdn.batstrading.com/resources/regulation/rule_book/BATS-Exchanges_Fee_Schedules.pdf;* NASDAQ Stock Market LLC, Price List—Trading & Connectivity, *http://www.nasdaqtrader.com/trader.aspx?id=pricelisttrading2.*

rates are equitable and non-discriminatory in that they apply uniformly to all Members and non-Members. The Exchange believes the fees and monthly billing option remain competitive with those charged by other exchanges and therefore continue to be reasonable and equitably allocated to Members and non-Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Proposing to eliminate payment for physical connectivity on an annual basis does not introduce a burden on competition as exchanges such as BATS and NASDAQ currently only allow payment for physical connectivity on a monthly basis.[12] In addition, the proposed rule change does not impose any burden on intramarket competition as payment on a monthly basis is available to all Members and non-Members. In addition, Members and non-Members also have the ability to obtain access to these services without the need for an independent physical port connection, such as through alternative means of financial extranets and service bureaus that act as a conduit for orders entered by Members and non-Members.

Fees for market access will be a component of the overall fees charged by the Exchange to execute and route orders through the Exchange. As the Commission has recognized, the market for execution and routing services is extremely competitive.[13] Market participants that choose not to connect directly to the Exchange can readily access liquidity available on the Exchange by directing their order flow to other venues that, under Regulation NMS, must route to the Exchange if it has posted the best price. Accordingly, the Exchange must set its fees and billing options, including access service fees, at a level and in such a way that will not deter market participants from connecting to the Exchange; otherwise, potential users of the Exchange's services will simply direct order flow to the Exchange's multiple competitors.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(2) [15] thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGA–2013–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGA–2013–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGA–2013–03 and should be submitted on or before March 4, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–02950 Filed 2–8–13; 8:45 am]

BILLING CODE 8011–01–P

[12] *Id.*

[13] *See* Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (SR–NYSEArca–2006–21).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 19b–4(f)(2)[sic].

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68829; File No. SR–NSCC–2012–10]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Eliminate the Offset of Its Obligations With Institutional Delivery Transactions That Settle at The Depository Trust Company for the Purpose of Calculating Its Clearing Fund Under Procedure XV of Its Rules & Procedures

February 5, 2013.

On December 17, 2012, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–NSCC–2012–10 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal**

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Register on January 4, 2013.[3] The Commission received one comment on the proposal.[4]

Section 19(b)(2) of the Act[5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day from the publication of notice of the filing of this proposed rule change is February 18, 2013. The Commission is extending this 45-day time period.

The proposed rule change would permit NSCC to eliminate the offset of NSCC obligations with institutional delivery transactions that settle at The Depository Trust Company for the purpose of calculating NSCC's clearing fund under Procedure XV of its Rules & Procedures. The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the comment received on the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates April 4, 2013 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–02949 Filed 2–8–13; 8:45 am]

BILLING CODE 8011–01–P

[3] Securities Exchange Act Release No. 34–68549 (Dec. 28, 2012), 78 FR 792 (Jan. 4, 2013).

[4] *See* Comment from Lek Securities Corporation dated January 25, 2013 (*http://sec.gov/comments/sr-nscc-2012-810/nscc2012810-1.pdf*).

[5] *See* 15 U.S.C. 78s(b)(2).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68815; File No. SR–BX–2013–009]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating [sic] to Delay the Operative Date of a Rule Change to Exchange Rule 4121

February 1, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4[2] thereunder, notice is hereby given that on January 28, 2013, NASDAQ OMX BX, Inc. (''Exchange'' or ''BX'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

BX is filing with the Commission a proposal to delay the operative date of a rule change to Exchange Rule 4121, which provides for methodology for determining when to halt trading in all stocks due to extraordinary market volatility, from the date of February 4, 2013, until April 8, 2013 [sic]

The Exchange requests that the Commission waive the 30-day operative delay period contained in Rule 19b–4(f)(6)(iii) of the Act[3] to the extent needed for timely industry-wide implementation of the proposal.

The text of the proposed rule change [sic] is available at *http://nasdaqomxbx.cchwallstreet.com/,* at BX's principal office, and at the Commission's Public Reference Room [sic]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 4121, which provides the methodology for determining when to halt trading in all stocks due to extraordinary market volatility, to delay the operative date of the pilot by which such Rule operates from the current scheduled date of February 4, 2013, until April 8, 2013, to coincide with the initial date of operations of the Regulation NMS Plan to Address Extraordinary Market Volatility (''LULD Plan'').[4] As proposed, the pilot period will begin and end at the same time as the pilot period for the LULD Plan. The current Rule 4121 would remain in effect until April 8, 2013. If the pilot is not either extended or approved permanently at the end of the pilot period, the current version of Rule 4121 would be in effect.

Current Rule 4121

The Exchange amended Rule 4121 on June 6, 2012.[5] The changes to Rule 4121 are effective, but not operative until February 4, 2013. The current standard, set forth in the rules of other exchanges,[6] provides for Level 1, 2, and 3 declines and specified trading halts following such declines. The values of Levels 1, 2 and 3 are calculated at the beginning of each calendar quarter, using 10%, 20% and 30%, respectively, of the average closing value of the Dow Jones Industrial Average (''DJIA'') for the month prior to the beginning of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6)(iii).

[4] The Exchange adopted the proposed changes to the market-wide circuit breakers on a pilot basis for a period that corresponds to the pilot period for the LULD Plan so that the impact of the two proposals can be reviewed together. *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BX–2011–068). The Exchange anticipates that the initial date of LULD Plan operations will be changed to April 8, 2013. The proposal would delay the operative date of the market-wide circuit breakers pilot to April 8, 2013 in order for the implementation date for the market-wide circuit breakers pilot would [sic] remain the same date as for the LULD Plan.

[5] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BX–2011–068).

[6] The rule was last amended in 1998, when declines based on specified point drops in the DJIA were replaced with the current methodology of using a percentage decline that is recalculated quarterly. *See* Securities Exchange Act Release No. 39846 (April 9, 1998), 63 FR 18477 (April 15, 1998) (SR–NYSE–98–06, SR–Amex–98–09, SR–BSE–98–06, SR–CHX–98–08, SR–NASD–98–27, and SR–Phlx–98–15).

quarter. Each percentage calculation is rounded to the nearest fifty points to create the Levels' trigger points. The values then remain in effect until the next quarterly calculation, notwithstanding whether the DJIA has moved and a Level 1, 2, or 3 decline is no longer equal to an actual 10%, 20%, or 30% decline in the most recent closing value of the DJIA.

Once a market-wide circuit breaker is in effect, trading in all stocks halt [sic] for the time periods specified below:

Level 1 Halt anytime before 2:00 p.m.—one hour; at or after 2:00 p.m. but before 2:30 p.m.—30 minutes; at or after 2:30 p.m.—trading shall continue, unless there is a Level 2 Halt.

Level 2 Halt anytime before 1:00 p.m.—two hours; at or after 1:00 p.m. but before 2:00 p.m.—one hour; at or after 2:00 p.m.—trading shall halt and not resume for the rest of the day.

Level 3 Halt at any time—trading shall halt and not resume for the rest of the day.

Unless stocks are halted for the remainder of the trading day, price indications are disseminated during a Rule 80B trading halt for stocks that comprise the DJIA.

Amended Rule 4121

The Exchange amended Rule 4121 to revise the current methodology for determining when to halt trading in all stocks due to extraordinary market volatility (''market-wide circuit breakers'').[7] The Exchange, other equities, options, and futures markets, and FINRA amended the market-wide circuit breakers to take into consideration the recommendations of the Joint CFTC–SEC Advisory Committee on Emerging Regulatory Issues, and to provide for more meaningful measures in today's markets of when to halt trading in all stocks. Accordingly, the Exchange [sic] amended Rule 80B as follows: (i) replaced the DJIA with the S&P 500; (ii) replaced the quarterly calendar recalculation of Rule 80B triggers with daily recalculations; (iii) replaced the 10%, 20%, and 30% market decline percentages with 7%, 13%, and 20% market decline percentages; (iv) modified the length of the trading halts associated with each market decline level; and (v) modified the times when a trading halt may be triggered. The Exchange [sic] believes that these amendments update the rule to reflect today's high-speed, highly electronic trading market while still meeting the original purpose of Rule 80B: to ensure that market participants have an opportunity to become aware of and respond to significant price movements.

The Exchange adopted the proposed changes to the market-wide circuit breakers on a pilot basis for a period that corresponds to the pilot period for the LULD Plan so that the impact of the two proposals can be reviewed together.[8] In addition, in order for the markets and the single plan processors responsible for the consolidation of information pursuant to Rule 603(b) of Regulation NMS under the Securities Exchange Act of 1934 to make the necessary technological changes to implement both the changes to the market-wide circuit breakers and the proposed LULD Plan, the Exchange established that the implementation date for the proposed rule changes should be the same date that the LULD Plan is implemented. The Exchange anticipates that the initial date of LULD Plan operations will be changed to April 8, 2013. For the same reasons as stated above, the Exchange proposes to delay the operative date of the market-wide circuit breakers pilot to April 8, 2013 in order for the implementation date for the market-wide circuit breakers pilot would [sic] remain the same date as for the LULD Plan.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5) of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, this rule proposal supports the objectives of perfecting the mechanism of a free and open market and the national market system because it promotes uniformity across markets concerning when and how to halt trading in all stocks as a result of extraordinary market volatility. Additionally, delaying the operative date of the market-wide circuit breakers pilot until the initial date of operations of the LULD Plan would allow the pilot to begin and end at the same time of the LULD Plan so that the Exchange and the Commission could further assess the impact of the two pilots on the marketplace or whether other initiatives should be adopted in lieu of the pilots, which contributes to the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes are being made to delay the operation of the market-wide circuit breakers pilot until April 8, 2013 to allow the pilot period to begin and end at the same time as the LULD Plan, which contributes to the protection of investors and the public interest. Other competing equity exchanges are subject to the same methodology for determining when to halt trading in all stocks due to extraordinary market volatility and the same requirements specified in the LULD Plan. Thus, the proposed changes will not impose any burden on competition while providing that the market-wide circuit breakers pilot period corresponds to the pilot period for the LULD Plan so that the impact of the two proposals can be reviewed together.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[11] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[12] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public

[7] *See* supra note 4.

[8] *Id.*

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Doing so will delay the operative date of the market-wide circuit breakers pilot until the initial date of operations of the LULD Plan, thereby allowing the pilot to run simultaneously with the LULD Plan, providing an opportunity to properly assess the impact of the two pilots on the marketplace and evaluate the pilots' effectiveness. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[13]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[14] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2013–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number *SR–BX–2013–009.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2013–009 and should be submitted on or before March 4, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–02797 Filed 2–8–13; 8:45 am]

BILLING CODE 8011–01–P

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78s(b)(2)(B).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68832; File No. SR–FINRA–2012–050]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Amendment No. 1, and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to Adopt a Supplementary Schedule for Derivatives and Other Off-Balance Sheet Items Pursuant to FINRA Rule 4524 (Supplemental FOCUS Information)

February 5, 2013.

I. Introduction

On November 15, 2012, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt a supplementary schedule for derivatives and other off-balance sheet items pursuant to FINRA Rule 4524 (Supplemental FOCUS Information). The proposed rule change was published for comment in the **Federal Register** on November 27, 2012.[3] The Commission received one comment letter on the proposed rule change.[4] On February 1, 2013, FINRA filed Amendment No. 1 with the Commission to respond to the comment letter and to propose technical changes and the addition of a clarifying instruction.[5] The Commission is publishing this notice and order to solicit comments on Amendment No. 1 and to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of Proposal

FINRA Rule 4524 requires each firm, as FINRA shall designate, to file such additional financial or operational schedules or reports as FINRA may deem necessary or appropriate for the protection of investors or in the public interest as a supplement to the FOCUS reports. Pursuant to FINRA Rule 4524, FINRA proposed the adoption of a supplemental schedule to the FOCUS reports to capture important information that is not otherwise reported on certain firms' balance sheets. To that end, the proposal would require all carrying or clearing firms to file with FINRA the Derivatives and Other Off-Balance Sheet Items Schedule (''OBS'') within 22 business days of the end of each calendar quarter. The proposed OBS is necessary for FINRA to more effectively examine for compliance with, and enforce, its rules on capital adequacy. The proposed OBS enables FINRA to examine on an ongoing basis the potential impact off-balance sheet activities may have on carrying and clearing firms' net capital, leverage and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Act Release No. 68270 (Nov. 20, 2012), 77 FR 70860 (Nov. 27, 2012).

[4] *See* Email from Suzanne Shatto to Commission, dated Jan. 3, 2013, *available at http://sec.gov/comments/sr-finra-2012-056/finra2012056-1.pdf.*

[5] *See* SEC File No. SR–FINRA–2012–050 Amendment No. 1, dated Feb. 1, 2013 (''Amendment No. 1''). Amendment No. 1 is described below in Section III.B. and the text of Amendment No. 1 is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA, and on the Commission's Web site at *http://www.sec.gov/rules/sro.shtml.*

liquidity, and ability to fulfill their customer protection obligations.

In the aftermath of the financial crisis, FINRA began to closely monitor firms' levels of leverage and available liquidity to meet their funding needs and began to collect certain additional information from certain carrying and clearing firms with regard to their proprietary positions, financing transactions and certain off-balance sheet transactions. FINRA believes the proposed OBS will allow FINRA to obtain more comprehensive and consistent information regarding carrying and clearing firms' off-balance sheet assets, liabilities and other commitments. The proposed OBS would require firms to report their gross exposures in financing transactions (e.g., reverse repos, repos and other transactions that are otherwise netted under generally accepted accounting principles, reverse repos and repos to maturity and collateral swap transactions), interests in and exposure to variable interest entities, non-regular way settlement transactions (including to be announced or TBA securities and delayed delivery/settlement transactions), underwriting and other financing commitments, and gross notional amounts in centrally cleared and non-centrally cleared derivative contracts involving equities, commodities, interest rates, foreign exchange derivatives and credit default swaps. However, the proposed OBS contains a *de minimis* off-balance sheet activity exception for each reporting period. If the aggregate of all gross amounts of off-balance sheet items is less than 10% of the firm's excess net capital on the last day of the reporting period, the firm will not be required to file the proposed OBS for the reporting period.[6]

FINRA stated that it would announce the first quarterly reporting period (i.e., the implementation date for purposes of the proposed off-balance sheet schedule) in a regulatory notice to be published no later than 60 days following Commission approval of the proposed rule change. The due date for the first proposed schedule would be no later than 210 days following Commission approval of the proposed rule change.

III. Summary of Comment Letter, FINRA's Response, and Amendment No. 1

A. Summary of and FINRA's Response to Comment Letter

As stated above, the Commission received one comment letter in response to the proposed rule change.[7] The commenter asked if reporting will begin for the OBS on January 22, 2013, and if the OBS will be public. In addition, the commenter questioned if the information in the OBS will be in the December 31, 2012 financials. In response, FINRA reiterated the statement in its initial filing: ''FINRA will announce the first quarterly reporting period (i.e., the implementation date for purposes of the proposed off-balance sheet schedule) in a regulatory notice to be published no later than 60 days following Commission approval of the proposed rule change.'' Further, the proposed OBS will be treated with the same confidentiality as the FOCUS report to which it relates.[8] Finally, firms are required to file annually with the SEC audited financial statements that include a publicly available Statement of Financial Condition.[9] The footnotes to the Statement of Financial Condition should contain off-balance sheet disclosures as required by generally accepted accounting principles.

B. Description of Amendment No. 1

Not in connection with the comment letter, FINRA filed Amendment No. 1 with the Commission proposing to amend the OBS and the instructions to the OBS. First, FINRA is proposing to clarify that the *de minimis* exception is based on the aggregate of all gross amounts of off-balance sheet items. Second, FINRA is making a technical change to require a firm that claims the *de minimis* exception to affirmatively indicate through functionality on the eFOCUS system that no filing is required for the reporting period. Third, FINRA is proposing to add instructions for item 6 (Total gross notional amount) of the OBS. Fourth, FINRA is proposing to renumber as line 25 both ''for period ending'' lines 24 and 3932 of the OBS.[10]

IV. Commission's Findings

After careful consideration of the proposed rule change, as modified by Amendment No. 1, the comment letter received, and FINRA's response to the comment letter, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Exchange Act, and the rules and regulations thereunder that are applicable to a national securities association.[11] In particular, the Commission finds that the proposal, as modified by Amendment No. 1, is consistent with Section 15A(b)(6) of the Exchange Act,[12] which requires, among other things, that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission believes that FINRA adequately addressed the comments raised in response to FINRA's notice.

The proposed OBS will provide FINRA with the ability to obtain more specific information about the finances of a member broker-dealer. Thus, the Commission believes that the proposed rule change, as modified by Amendment No. 1, is consistent with the provisions of the Exchange Act noted above in that the proposed OBS will permit FINRA to assess more effectively on an ongoing basis the potential impact off-balance sheet activities may have on carrying and clearing firms' net capital, leverage and liquidity, and ability to fulfill their customer protection obligations.

The Commission believes that the proposed rule change, as modified by Amendment No. 1, works in conjunction with the existing Commission broker-dealer financial responsibility rules and will further FINRA's ability to oversee its members by, among other things, increasing the transparency of the various revenue streams and sources of income of broker-dealers.

The Commission does not believe that the proposed rule change, as modified by Amendment No. 1, will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. As stated above, the Commission believes the proposed OBS will allow FINRA to better understand the potential impact off-balance sheet activity may have on carrying and clearing firms' net capital, leverage and liquidity, and ability to fulfill their customer protection

[6] For purposes of the proposed OBS, the term ''excess net capital'' means net capital reduced by the greater of the minimum dollar net capital requirement or two percent of combined aggregate debit items as shown in the Formula for Reserve Requirements pursuant to 17 CFR 240.15c3–3.

[7] *See supra* note 4.

[8] *See* 17 CFR 240.17a–5(a)(3).

[9] *See* 17 CFR 240.17a–5(d) and 17 CFR 240.17a–5(e)(3).

[10] *See* Amendment No. 1.

[11] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] *See* 15 U.S.C. 78*o*–3(b)(6).

obligations. Ready access to the information in the proposed OBS is important for FINRA to efficiently monitor on an ongoing basis the financial condition of firms.

The Commission also believes FINRA has carefully crafted the proposed OBS to achieve its intended and necessary regulatory purpose while being cognizant of the burden on firms. The information required to complete the proposed OBS should be readily available to firms due to firms' obligations to maintain books and records and take applicable capital charges in relation to off-balance sheet activity. Further, firms that are owned by a publicly held company provide much of the information required by the proposed OBS to the SEC on the quarterly Form 10–Q or on the annual Form 10–K. Finally, for those firms that conduct limited off-balance sheet activity, the proposed OBS contains a *de minimis* exception for each reporting period.

V. Accelerated Approval

The Commission finds goods cause, pursuant to Section 19(b)(2) of the Exchange Act [13] for approving the proposal, as modified by Amendment No. 1, prior to the 30th day after publication of Amendment No. 1 in the **Federal Register**. The changes proposed in Amendment No. 1 are technical or clarifying changes and do not raise regulatory concerns.

Accordingly, the Commission finds that good cause exists to approve the proposal, as modified by Amendment No. 1, on an accelerated basis.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether Amendment No. 1 to the proposed rule change is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–FINRA–2012–050 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2012–050. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2012–050 and should be submitted on or before March 4, 2013.

VII. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[14] that the proposed rule change (SR–FINRA–2012–050), as modified by Amendment No. 1, be and hereby is approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–02952 Filed 2–8–13; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(2).

[14] 15 U.S.C. 78s(b)(2).

[15] *See* 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68824; File No. SR–NSX–2013–03]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Fee and Rebate Schedule

February 4, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 25, 2013, National Stock Exchange, Inc. (''NSX®'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change, as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend its Fee and Rebate Schedule (the ''Fee Schedule'') issued pursuant to Exchange Rule 16.1(a) to: (1) Make a clarifying change to Section I; and (2) amend Section III to provide a rebate of $0.0013 per share to Equity Trading Permit (''ETP'') Holders [3] for Double Play Orders [4] that are executed at or above $1.00 on an away Trading Center.[5]

The text of the proposed rule change is available on the Exchange's Web site at *www.nsx.com,* at the Exchange's principal office, and at the Commission's public reference room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] NSX Rule 1.5 defines the term ''ETP'' as an Equity Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange's Trading Facilities.

[4] NSX Rule 11.11(c)(10).

[5] NSX Rule 2.11. A Trading Center is defined as ''other securities exchanges, facilities of securities exchanges, automated trading systems, electronic communication networks or other brokers or dealers.''

places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section I of its Fee Schedule to: (1) Make a clarifying change to Section I of the Fee Schedule; and (2) amend Section III of the Fee Schedule to provide a rebate of $0.0013 per share to ETP Holders for Double Play Orders that are executed at or above $1.00 on an away Trading Center.

Clarifying Change

Under Section I of the Fee Schedule, the Exchange currently charges ETP Holders that do not execute at least 50,000 shares of added liquidity in a month a per share fee of $0.0030 for any marketable order that removes liquidity in the Exchange's automatic execution mode of interaction (''Auto-Ex Mode'').[6] ETP Holders that execute more than 50,000 shares of added liquidity per month in Auto-Ex Mode are eligible for fees and rebates under either the Variable or Fixed Fee Schedules under Section I. Endnote number three (3) in the Fee Schedule currently states that ''Fixed Fee Schedule'' will apply to each ETP Holder unless the ETP Holder elects to adopt the ''Variable Fee Schedule'' by sending an email indicating this preference to *zNSXTrading@NSX.com* prior to 4:00 p.m. EST on the first trading day of the calendar month. Rather than including this option in an endnote, the Exchange proposes to move this endnote to Section I so that ETP Holders are more easily made aware of this alternative and how to elect the ''Variable Fee Schedule.'' The Exchange also proposes to modify that language under Section I to explicitly state that ETP Holders that execute at least 50,000 shares of added liquidity per month would be subject to the ''Fixed Fee Schedule,'' unless they elected the ''Variable Fee Schedule'' and notified the Exchange as described above. The Exchange simply proposes to clarify the existing volume eligibility requirements and does not propose any changes to those standards.

Double Play Order Rebate

The Exchange also proposes to provide ETP Holders a rebate of $0.0013 per share for Double Play Orders that are executed at or above $1.00 on an away Trading Center. The Double Play Order is a market or limit order that instructs the System[7] to route the order to a specified away Trading Center(s) as approved by the Exchange from time to time.[8] The order will not be exposed to the NSX Book[9] before being routed to a specified destination or destinations. An order that is not executed in full after routing away would return to the Exchange, receive a new timestamp, and be processed in the manner described in NSX Rule 11.14.(a).

Under Section III of the Fee Schedule, the Exchange charges ETP Holders for orders that are routed away and executed on another Trading Center a per share fee of $0.0030 for securities priced at or above $1.00 or 0.30% of the order's notional value for securities priced below $1.00. Instead of the existing fee for routed orders, the Exchange now proposes to provide ETP Holders a rebate of $0.0013 per share for Double Play Orders that are priced at or above $1.00 and executed on an away Trading Center. Any portion of a Double Play Order that is not executed in full after routing away and returned to the Exchange will not be eligible for the proposed rebate. The unexecuted portion of the Double Play order is, instead, subject to the existing fee structure under Schedules I of the Fee Schedule or the current fee of $0.0030 per share under Section III of the Fee Schedule if subsequently routed to an away Trading Center in accordance with Exchange Rule 11.15(a)(ii) after exhausting all eligible orders resting on the NSX Book and not as part of the original Double Play Order instructions. The Exchange does not propose to amend the fee for securities priced below $1.00.

The Exchange believes the proposed rebate will increase liquidity by encouraging ETP Holders to use Double Play Orders since this order type provides an additional way to access liquidity on other market centers. Increased use of the Double Play Order should also increase liquidity at the Exchange since any unexecuted portion is returned to the NSX Book.

Operative Date and Notice

The Exchange will make the proposed modifications, which are effective on filing of this proposed rule, operative as of commencement of trading on February 1, 2013. Pursuant to Exchange Rule 16.1(c), the Exchange will ''provide ETP Holders with notice of all relevant dues, fees, assessments and charges of the Exchange'' through the issuance of an Information Circular of the changes to the Fee Schedule and will post a copy of the rule filing on the Exchange's Web site (*www.nsx.com*).

2. Statutory Basis

The Exchange believes that the proposed rebate for Double Play Orders routed away and executed on another Trading Center is consistent with the provisions of Section 6(b) of the Securities Exchange Act of 1934[10] (the ''Act''), in general, and Section 6(b)(4) of the Act,[11] in particular, in that it is reasonable and equitably allocated amongst ETP Holders because all ETP Holders are eligible to submit (or not submit) these types of orders, and may do so at their discretion during the course of the month. The Exchange notes that ETP Holders using the Double Play Order will receive a rebate rather than being charged the Exchange's standard fees for orders routed away to other Trading Centers. The rebate for Double Play Orders is a reasonable method to increase liquidity by encouraging ETP Holders to use Double Play Orders since this order type provides an additional way to access liquidity on other market centers. Increased use of the Double Play Order should also increase liquidity at the Exchange since any unexecuted portion is returned to the NSX Book. Furthermore, the Exchange believes that the proposed rebate for Double Play Orders is consistent with the provisions of Section 6(b)(5) of the Act,[12] because it is not unfairly discriminatory amongst ETP Holders. As stated above, ETP Holders are eligible to submit (or not submit) these types of orders, and may do so at their discretion during the course of the month.

Lastly, the Exchange believes that the proposed clarifications to Section I of the Fee Schedule are consistent with the provisions of Section 6(b) of the Act,[13] in general, and Section 6(b)(4) of the Act,[14] in particular, in that is reasonable because these changes clarify to ETP Holder what the eligibility requirements

[6] Under Auto-Ex Mode the Exchange matches and executes like-priced orders in accordance with the process described in NSX Rule 11.13(b)(1).

[7] Under NSX Rule 1.5, the term ''System'' is defined as ''the electronic communications and trading facility * * * through which orders of [ETP Holders] are consolidated for ranking and execution.''

[8] NSX Rule 11.11(c)(10).

[9] Under NSX Rule 1.5, the term ''NSX Book'' is defined as ''the System's electronic file of orders.''

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4).

are for receiving the Fixed Fee Schedule and how to notify the Exchange if they chose to elect the Variable Fee Schedule under Section I. The Exchange does not propose to change the existing eligibility volume requirements.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. ETP Holders using the Double Play Order will receive a rebate rather than being charged the Exchange's standard fees for orders routed away to other Trading Centers. The rebate is designed to increase liquidity by encouraging ETP Holders to use Double Play Orders which should also increase liquidity at the Exchange since any unexecuted portion is returned to the NSX Book. As stated above, the Exchange operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has taken effect upon filing pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act [15] and subparagraph (f)(2) of Rule 19b–4.[16] At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NSX–2013–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NSX–2013–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NSX–2013–03, and should be submitted on or before March 4, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–02923 Filed 2–8–13; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4.

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68833; File No. SR–BOX–2013–04]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Make the Market Data Product, the BOX High Speed Vendor Feed (''HSVF''), Available to All Market Participants

February 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 25, 2013 BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to make the direct market data product, the BOX HSVF, available to all market participants. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 7130(a)(2) to make the BOX High Speed Vendor Feed (''HSVF'') data product available to all market participants.[3] The BOX HSVF is a proprietary product that provides: (i) Trades and trade cancelation information; (ii) best-ranked price level to buy and the best-ranked price level to sell; (iii) instrument summaries (including information such as high, low, and last trade price and traded volume); (iv) the five best limit prices for each option instrument; (v) request for Quote messages[4]; (vi) PIP Order, Improvement Order and Block Trade Order (Facilitation and Solicitation) information[5]; (vii) orders exposed at NBBO[6]; (viii) instrument dictionary (e.g., strike price, expiration date, underlying symbol, price threshold, and minimum trading increment for instruments traded on BOX); (ix) options class and instrument status change notices (e.g., whether an instrument or class is in pre-opening, continuous trading, closed, halted, or prohibited from trading); and (x) options class opening time.

The HSVF is currently offered to BOX Options Participants at no cost.[7] This proposed rule change will allow the Exchange to make the HSVF available to all market participants at no cost. If the Exchange decides to establish monthly fees for the HSVF, it will do so by way of a separate proposed rule change.

The HSVF provides data that should enhance the ability of subscribers to analyze market conditions, and to create and test trading models and analytical strategies. The Exchange believes that HSVF is a valuable tool that can be used to gain comprehensive insight into the trading activity in a particular option series.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[8] in general, and Section 6(b)(5) of the Act,[9] in particular, in that HSVF is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general protect investors and the public interest, by making BOX's market data product open to all market participants. In particular, the HSVF product will now be available to any market participant that wishes to subscribe to it. The Exchange believes this removes impediments to and better provides for a free and open market. Additionally, this proposed change will enhance subscribers' ability to make more informed and timely trading decisions. As such, BOX believes the proposed rule change is in the public interest, and therefore, consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change would allow the Exchange to disseminate its propriety market data product, the HSVF, to both Participants and other subscribers on a voluntary basis. BOX is not required to make this data available and it is not necessary for Participants to subscribe to the HSVF in order to trade on BOX. Additionally, the HSVF is similar to propriety data products currently offered by other exchanges, and subscribing to the HSVF will give market participants greater information on which to base their trading strategies. As such, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)[10] of the Act and Rule 19b–4(f)(6) thereunder.[11]

A proposed rule change filed under 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.[12] However, Rule 19b–4(f)(6)(iii)[13] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay. The Exchange notes that waiver of the 30-day operative delay will allow the Exchange to immediately offer the product to all market participants. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver would allow all market participants to have immediate access to HSVF. For this reason, the Commission designates the proposed rule change to be operative upon filing.[14]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2013–04 on the subject line.

[3] Currently, the HSVF is only available to firms, or organizations registered with the Exchange for purposes of participating in options trading on BOX (''BOX Options Participants'' or ''Participants'').

[4] *See* Exchange Rules 100(a)(57), 7070(h) and 8050.

[5] As set forth in Exchange Rules 7150 and 7270, respectively.

[6] As set forth in Exchange Rules 7130(b)(3) and 8040(d)(6), respectively.

[7] *See* Exchange Rule 7130(a)(2).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] *Id.*

[14] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Paper Comments

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–BOX–2013–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2013–04 and should be submitted on or before March 4, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–02999 Filed 2–8–13; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68816; File No. SR–PHLX–2013–11]

Self-Regulatory Organizations; The NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to [sic] Proposes To Delay the Operative Date of a Rule Change to Exchange Rule 133

February 1, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 28, 2013, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes a rule change to proposes [sic] to delay the operative date of a rule change to Exchange Rule 133, which provides for methodology for determining when to halt trading in all stocks due to extraordinary market volatility, from the date of February 4, 2013, until April 8, 2013.

The text of the proposed rule change [sic] is available at *http://nasdaqomxphlx.cchwallstreet.com/nasdaqomxphlx/phlx,* at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 133, which provides the methodology for determining when to halt trading in all stocks due to extraordinary market volatility, to delay the operative date of the pilot by which such Rule operates from the current scheduled date of February 4, 2013, until April 8, 2013, to coincide with the initial date of operations of the Regulation NMS Plan to Address Extraordinary Market Volatility (''LULD Plan'').[3] As proposed, the pilot period will begin and end at the same time as the pilot period for the LULD Plan. The current Rule 133 would remain in effect until April 8, 2013. If the pilot is not either extended or approved permanently at the end of the pilot period, the current version of Rule 133 would be in effect.

Current Rule 133

The Exchange amended Rule 133 on June 6, 2012.[4] The changes to Rule 133 are effective, but not operative until February 4, 2013. The current standard, set forth in the rules of other exchanges,[5] provides for Level 1, 2, and 3 declines and specified trading halts following such declines. The values of Levels 1, 2 and 3 are calculated at the beginning of each calendar quarter, using 10%, 20% and 30%, respectively, of the average closing value of the Dow Jones Industrial Average (''DJIA'') for the month prior to the beginning of the quarter. Each percentage calculation is rounded to the nearest fifty points to create the Levels' trigger points. The values then remain in effect until the

[3] The Exchange adopted the proposed changes to the market-wide circuit breakers on a pilot basis for a period that corresponds to the pilot period for the LULD Plan so that the impact of the two proposals can be reviewed together. *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–PHLX–2011–129). The Exchange anticipates that the initial date of LULD Plan operations will be changed to April 8, 2013. The proposal would delay the operative date to the market-wide circuit breakers pilot to April 8, 2013 in order for the implementation date for the market-wide circuit breakers pilot would [sic] remain the same date as for the LULD Plan.

[4] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–PHLX–2011–129).

[5] The rule was last amended in 1998, when declines based on specific point drops in the DJIA were replaced with the current methodology of using a percentage decline that is recalculated quarterly. *See* Securities Exchange Act Release No. 39846 (April 9, 1998), 63 FR 18477 (April 15, 1998) (SR–NYSE–98–06, SR–Amex–98–09, SR–BSE–98–06, SR–CHX–98–08, SR–NASD–98–27, and SR–Phlx–98–15).

next quarterly calculation, notwithstanding whether the DJIA has moved and a Level 1, 2, or 3 decline is no longer equal to an actual 10%, 20%, or 30% decline in the most recent closing value of the DJIA.

Once a market-wide circuit breaker is in effect, trading in all stocks halt [sic] for the time periods specified below:

Level 1 Halt anytime before 2:00 p.m.—one hour; at or after 2:00 p.m. but before 2:30 p.m.—30 minutes; at or after 2:30 p.m.—trading shall continue, unless there is a Level 2 Halt.

Level 2 Halt anytime before 1:00 p.m.—two hours; at or after 1:00 p.m. but before 2:00 p.m.—one hour; at or after 2:00 p.m.—trading shall halt and not resume for the rest of the day.

Level 3 Halt at any time—trading shall halt and not resume for the rest of the day.

Unless stocks are halted for the remainder of the trading day, price indications are disseminated during a Rule 80B trading halt for stocks that comprise the DJIA.

Amended Rule 133

The Exchange amended Rule 133 to revise the current methodology for determining when to halt trading in all stocks due to extraordinary market volatility (''market-wide circuit breakers'').[6] The Exchange, other equities, options, and futures markets, and FINRA amended the market-wide circuit breakers to take into consideration the recommendations of the Joint CFTC–SEC Advisory Committee on Emerging Regulatory Issues, and to provide for more meaningful measures in today's markets of when to halt trading in all stocks. Accordingly, the Exchange [sic] amended Rule 80B as follows: (i) Replaced the DJIA with the S&P 500; (ii) replaced the quarterly calendar recalculation of Rule 80B triggers with daily recalculations; (iii) replaced the 10%, 20%, and 30% market decline percentages with 7%, 13%, and 20% market decline percentages; (iv) modified the length of the trading halts associated with each market decline level; and (v) modified the times when a trading halt may be triggered. The Exchange [sic] believes that these amendments update the rule to reflect today's high-speed, highly electronic trading market while still meeting the original purpose of Rule 80B: to ensure that market participants have an opportunity to become aware of and respond to significant price movements.

The Exchange adopted the proposed changes to the market-wide circuit breakers on a pilot basis for a period that corresponds to the pilot period for the LULD Plan so that the impact of the two proposals can be reviewed together.[7] In addition, in order for the markets and the single plan processors responsible for the consolidation of information pursuant to Rule 603(b) of Regulation NMS under the Securities Exchange Act of 1934 to make the necessary technological changes to implement both the changes to the market-wide circuit breakers and the proposed LULD Plan, the Exchange established that the implementation date for the proposed rule changes should be the same date that the LULD Plan is implemented. The Exchange anticipates that the initial date of LULD Plan operations will be changed to April 8, 2013. For the same reasons as stated above, the Exchange proposes to delay the operative date of the market-wide circuit breakers pilot to April 8, 2013 in order for the implementation date for the market-wide circuit breakers pilot would [sic] remain the same date as for the LULD Plan.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Specifically, this rule proposal supports the objectives of perfecting the mechanism of a free and open market and the national market system because it promotes uniformity across markets concerning when and how to halt trading in all stocks as a result of extraordinary market volatility. Additionally, delaying the operative date of the market-wide circuit breakers pilot until the initial date of operations of the LULD Plan would allow the pilot to begin and end at the same time of the LULD Plan so that the Exchange and the Commission could further assess the impact of the two pilots on the marketplace or whether other initiatives should be adopted in lieu of the pilots, which contributes to the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes are being made to delay the operation of the market-wide circuit breakers pilot until April 8, 2013 to allow the pilot period to begin and end at the same time as the LULD Plan, which contributes to the protection of investors and the public interest. Other competing equity exchanges are subject to the same methodology for determining when to halt trading in all stocks due to extraordinary market volatility and the same requirements specified in the LULD Plan. Thus, the proposed changes will not impose any burden on competition while providing that the market-wide circuit breakers pilot period corresponds to the pilot period for the LULD Plan so that the impact of the two proposals can be reviewed together.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11]

A proposed rule change filed under Rule 19b–4(f)(6)[12] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[13] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is

[6] *See* supra note 4.

[7] *Id.*

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

consistent with the protection of investors and the public interest. Doing so will delay the operative date of the market-wide circuit breakers pilot until the initial date of operations of the LULD Plan, thereby allowing the pilot to run simultaneously with the LULD Plan, providing an opportunity to properly assess the impact of the two pilots on the marketplace and evaluate the pilots' effectiveness. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[14]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[15] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PHLX–2013–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–PHLX–2013–11. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PHLX–2013–11, and should be submitted on or before March 4, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–02798 Filed 2–8–13; 8:45 am]

BILLING CODE 8011–01–P

[14] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78s(b)(2)(B).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68834; File No. SR–DTC–2012–10]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Reduce Liquidity Risk Relating to Its Processing of Maturity and Income Presentments and Issuances of Money Market Instruments

February 5, 2013.

On December 17, 2012, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–DTC–2012–10 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on January 4, 2013.[3] The Commission received one comment on the proposal.[4]

Section 19(b)(2) of the Act[5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day from the publication of notice of the filing of this proposed rule change is February 18, 2013. The Commission is extending this 45-day time period.

The proposed rule change would permit DTC to alter the mechanism of DTC's processing of maturity and income presentments and issuances of money market instruments. The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the complex issues under the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates April 4, 2013 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–02953 Filed 2–8–13; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–68548 (Dec. 28, 2012), 78 FR 795 (Jan. 4, 2013).

[4] See Comment from Karen Jackson dated December 30, 2012 (*http://sec.gov/comments/sr-dtc-2012-10/dtc201210-1.htm*). The comment discussed matters outside the scope of the proposal.

[5] *See* 15 U.S.C. 78s(b)(2).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68831; File No. SR–EDGX–2013–03]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGX Exchange, Inc. Fee Schedule

February 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 30, 2013, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees and rebates applicable to Members [3] and non-Members of the Exchange pursuant to EDGX Rule 15.1(a) and (c). All of the changes described herein are applicable to EDGX Members and non-Members. The text of the proposed rule change is available on the Exchange's Internet Web site at *www.directedge.com*, at the Exchange's principal office, and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As defined in Exchange Rule 1.5(n).

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

In SR–EDGX–2010–06,[4] the Exchange proposed to adopt an annual fee per physical port utilized by Members and non-Members to connect to the Exchange's System [5] for order entry and the receipt of Exchange data, among other reasons. A physical port is a port used by a Member or non-Member to connect into the Exchange at the data centers where Exchange servers are located. Physical port connections can occur either through an external telecommunication circuit or a cross-connection. The Exchange noted at the time of filing that other market centers provided similar services.[6]

In SR–EDGX–2010–21,[7] the Exchange amended its fee schedule, effective January 1, 2011, to allow Members and non-Members the option of paying monthly fees for physical ports used to enter orders in the Exchange's System.

The Exchange proposes to amend its fee schedule to eliminate the option for Members and non-Members to pay for physical ports on an annual basis. The Exchange's current monthly rates that it charges Members and non-Members for physical ports remains unchanged; therefore, the Exchange will assess a monthly fee of $500 per physical port that connects to the Exchange's System via 1 gigabyte Copper circuits; $750 per physical port that connects to the Exchange's System via 1 gigabyte Fiber circuits; and $1,000 per physical port that connects to the Exchange's System via 10 gigabyte Fiber circuits. In addition, the Exchange proposes to pro-rate for the month of January 2013 only the annual fee paid by Members or non-Members who currently have annual billing as of January 1, 2013 and then convert those Members or non-Members to monthly billing starting in February 2013, subject to the execution of a new contract that the Exchange has distributed to all Members and non-Members to reflect this change.[8] Furthermore, Direct Edge represents that its Members and non-Members who currently have annual contracts for physical ports have either consented to be converted to a month-to-month contract at the proposed rates, or elected to terminate their contract because they no longer require the service.

The Exchange proposes to implement these amendments to its fee schedule on February 1, 2013. Members and Non-Members were notified of the planned changes on November 8, 2012 and through subsequent direct communication.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[9] in general, and furthers the objectives of Section 6(b)(4),[10] in particular, as it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes that the proposal represents an equitable allocation of reasonable dues, fees, and other charges as its billing for port fees is reasonably constrained by competitive alternatives. For example, the change to monthly billing is reasonable because it is consistent with the monthly options offered by other exchanges, such as the BATS Exchange, Inc. (''BATS'') and NASDAQ Stock Market LLC (''NASDAQ'').[11] Furthermore, Members and other persons using the Exchange facilities also have the ability to obtain access to these services without the need for an independent physical port connection, such as through alternative means of financial extranets and service bureaus that act as a conduit for orders entered by Members and non-Members. Members and non-Members also have the ability to choose lower cost connection service types and still obtain access to all EDGX services.

Furthermore, the fees associated with physical ports will continue to be

[4] *See* Securities Exchange Act Release No. 62437 (July 1, 2010), 75 FR 39599 (July 9, 2010) (SR–EDGX–2010–06).

[5] As defined in Exchange Rule 1.5(cc).

[6] *See* Securities Exchange Act Release No. 62437 (July 1, 2010), 75 FR 39599, 39600 (July 9, 2010) (SR–EDGX–2010–06) (citing Securities Exchange Act Release No. 61545 (February 19, 2010), 75 FR 8769 (February 25, 2010) (SR–BATS–2009–032) and Securities Exchange Act Release No. 62392 (June 28, 2010), 75 FR 38857 (July 6, 2010) (SR–NASDAQ–2010–077)).

[7] *See* Securities Exchange Act Release No. 63520 (December 10, 2010), 75 FR 78794 (December 16, 2010) (SR–EDGX–2010–21).

[8] For example, Members or non-Members who are currently billed annually will pay $416 per physical port for 1GB copper circuits ($5,000 annual fee/12 months) for the month of January 2013 only and then shift to a monthly billing arrangement and pay $500 per physical port from February 2013–December 2013 (monthly billing).

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

[11] The Exchange notes that BATS and NASDAQ only allow for payment of physical port fees on a monthly basis. *See* BATS Exchange, Inc., BATS BZX and BYX Exchange Fee Schedules, *http://cdn.batstrading.com/resources/regulation/rule_book/BATS-Exchanges_Fee_Schedules.pdf;* NASDAQ Stock Market LLC, Price List—Trading & Connectivity, *http://www.nasdaqtrader.com/trader.aspx?id=pricelisttrading2.*

equitably allocated and non-discriminatory as they will continue to be uniform in application to all Members and non-Members. Members and non-Members will continue to choose whether they want more than one physical port and choose the method of connectivity based on their specific needs.

The proposed rule change is also an equitable allocation of reasonable dues, fees, and other charges because, for Members and non-Members, the payment of physical connectivity fees on a monthly basis provides administrative benefits over payments made on an annual basis. For example, payment on a monthly basis allows Members and non-Members to opt-in or opt-out of physical connectivity on thirty (30) days' notice. Members and non-Members that choose to cancel their physical connectivity within the thirty (30) days' notice will have no recurring obligation.

Finally, the proposed rule change is also an equitable allocation of reasonable dues, fees, and other charges as the Exchange believes that the increased fees obtained through the monthly port fees over the course of a year over annual port fees (an increase of $1,000 per year per port on all 1Gb copper circuits, $1,500 per year per port on all 1Gb Fiber circuits, and $2,000 per year per port on all 10 Gb Fiber circuits) will enable it to cover its increased infrastructure costs associated with allowing Members and non-Members to establish physical ports to connect to the Exchange's systems and continue to maintain and improve its infrastructure, market technology, and services. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members and non-Members. The Exchange believes the fees and monthly billing option remain competitive with those charged by other exchanges and therefore continue to be reasonable and equitably allocated to Members and non-Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Proposing to eliminate payment for physical connectivity on an annual basis does not introduce a burden on competition as exchanges such as BATS and NASDAQ currently only allow payment for physical connectivity on a monthly basis.[12] In addition, the proposed rule change does not impose any burden on intramarket competition as payment on a monthly basis is available to all Members and non-Members. In addition, Members and non-Members also have the ability to obtain access to these services without the need for an independent physical port connection, such as through alternative means of financial extranets and service bureaus that act as a conduit for orders entered by Members and non-Members.

Fees for market access will be a component of the overall fees charged by the Exchange to execute and route orders through the Exchange. As the Commission has recognized, the market for execution and routing services is extremely competitive.[13] Market participants that choose not to connect directly to the Exchange can readily access liquidity available on the Exchange by directing their order flow to other venues that, under Regulation NMS, must route to the Exchange if it has posted the best price. Accordingly, the Exchange must set its fees and billing options, including access service fees, at a level and in such a way that will not deter market participants from connecting to the Exchange; otherwise, potential users of the Exchange's services will simply direct order flow to the Exchange's multiple competitors.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(2) [15] thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–EDGX–2013–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGX–2013–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGX–2013–03 and should be submitted on or before March 4, 2013.

[12] *Id.*

[13] *See* Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (SR–NYSEArca–2006–21).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 19b–4(f)(2)[sic].

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–02951 Filed 2–8–13; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2012–0042]

Assigning New Social Security Numbers (SSN) for Children Age 13 and Under

AGENCY: Social Security Administration (SSA)

ACTION: Notice; Request for Comments.

SUMMARY: We are considering changing our policy about assigning new SSNs to children age 13 and under. We are requesting information from the public to ensure that any policy changes we adopt appropriately address the unique issues associated with the misuse of an SSN for a child age 13 and under.

DATES: To ensure that your comments are considered, we must receive them no later than April 12, 2013.

ADDRESSES: You may submit written comments by any one of three methods—Internet, fax or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2012–0042, so that we may associate your comments with the correct activity.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as SSNs or medical information.

1. *Internet:* We strongly recommend this method for submitting your comments. Visit the Federal eRulemaking portal at *http://www.regulations.gov.* Use the Search function of the Web page to find docket number SSA–2012–0042, and then submit your comment. Once you submit your comment, the system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately as we must manually post each comment. It may take up to a week for your comment to be viewable.

2. *Fax:* Fax comments to (410) 966–2830.

3. *Mail:* Mail your comments to the Office of Regulations and Reports Clearance, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at *http://www.regulations.gov,* or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT: Arthur LaVeck, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, 410–966–5665.

SUPPLEMENTARY INFORMATION:

Background

We began assigning nine-digit SSNs in 1936, and under normal procedures, we assign only one SSN to an individual during his or her lifetime. Assigning a single unique number to each individual allows us to ensure timely and accurate payment of retirement, disability, and other benefits to workers and their families. It also helps ensure the integrity of our record keeping.

We do not disclose SSNs except when authorized by law, and we keep number holders' records confidential. In addition, we have removed the SSN from many of our notices, greatly expanded electronic SSN verification services for employers, and provided public information on how to protect SSNs from inadvertent disclosure and misuse.

Despite our goal of limiting each person to a single SSN, we recognize that there are some situations where third-party misuse of an SSN may make it helpful to assign an individual a new SSN.

Current Policy

Under our current policy, if we have evidence that a third party has improperly used an adult's or child's SSN, the number holder was not at fault, and the number holder was recently disadvantaged by the misuse, we may assign a new SSN. However, before we issue a new SSN, we advise the number holder that a new number will not necessarily solve all his or her problems related to the SSN misuse. Because SSNs are widely used by other governmental agencies (such as the Internal Revenue Service and State motor vehicle agencies) and private businesses (such as banks and credit reporting companies), when we assign a new SSN, these institutions will still have records under the individual's old number. Additionally, because credit-reporting companies use the SSN to help verify credit records, using a new SSN will not guarantee a fresh start for the number holder, particularly if the number holder's other personal information (such as his or her name and address) remains the same.

What policy changes are we considering?

We are considering a new policy for issuing a new SSN for children age 13 and under because of factors that apply only to children. First, because children age 13 and under generally have not worked, attempted to establish credit, or secured drivers licenses, their SSNs are not likely to be in widespread use among public and private entities. Second, misuse of a child's SSN may go undiscovered for many months or even years because children age 13 and under generally do not work or drive and have not attempted to establish credit. For these reasons, assigning a second SSN in these cases is less problematic for the person than it is for an individual with a work history, a driving record, and a credit history.

Under the policy we are considering, we would issue a new SSN for a child age 13 and under when:

- The child's Social Security card has been stolen while in transit from us to the child's address and the child's parent or guardian demonstrates to the Commissioner of Social Security that the child's Social Security card has been stolen in transit from SSA to the child's address.
- The child's SSN has been incorrectly disclosed through our publicly available Death Master File (DMF).

We receive approximately 2.5 million death reports each year from many sources, including family members, funeral homes, State and other Federal agencies, postal authorities, and financial institutions. Federal law permits us to disclose an extract of this death information. This extract, commonly referred to as the public DMF, includes the deceased individual's SSN, first name, middle name, surname, date of birth, and date of death. Unfortunately, in a small number of cases—less than one-half of one percent—we incorrectly include SSNs of living individuals in the public DMF; however, we remove that data from the public DMF as soon as possible.

- A third party has misused the child's SSN.

Some examples of misuse are a third party's application for credit using the child's SSN, use of the child's SSN to work, improper inclusion of the child's SSN on a tax return, or furnishing the

[16] 17 CFR 200.30–3(a)(12).

child's SSN to a police officer when stopped for a traffic violation.

We would no longer require proof that the number holder was disadvantaged due to the misuse in any of the three situations outlined above.

Request for Comments

We are requesting comments concerning the proposed policy change for assigning new SSNs to children age 13 and under. We ask that, in preparing comments, you address questions such as:

1. Is age 13 the appropriate cut off for application of the revised policy?
2. Are the circumstances that we propose for assigning a new SSN to children age 13 and under appropriate?
3. Are there other circumstances that would warrant assigning a new SSN to children age 13 and under?

Please see the information under **ADDRESSES** earlier in this document for methods to give us your comments. We will not respond to your comments, but we will consider them as we review our policies and instructions to determine if we should revise or update them.

Dated: February 5, 2013.

Michael J. Astrue,

Commissioner of Social Security.

[FR Doc. 2013–03043 Filed 2–8–13; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2012–0076]

Individuals With Certain Criminal Convictions as Representative Payees

AGENCY: Social Security Administration.

ACTION: Notice; Request for comments.

SUMMARY: We are requesting information from the public regarding whether we should prohibit persons who have been convicted of certain crimes from serving as representative payees under titles II, VIII, and XVI of the Social Security Act (Act). We are seeking this information in order to determine the best way to protect our beneficiaries from persons whose criminal history indicates they may pose an increased risk of abuse or exploitation of vulnerable individuals.

DATES: To ensure that your comments are considered, we must receive them no later than April 12, 2013.

ADDRESSES: You may submit comments by any one of three methods—Internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2012–0076 so that we may associate your comments with the correct document.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the Internet. Please visit the Federal eRulemaking portal at *http://www.regulations.gov.* Use the *Search* function to find docket number SSA–2012–0076. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. *Fax:* Fax comments to (410) 966–2830.

3. *Mail:* Address your comments to the Office of Regulations and Reports Clearance, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at *http://www.regulations.gov* or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT: Gina Clemons, Office of Retirement and Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–9897. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Background

A person who receives benefits from us may be unable to manage those benefits for reasons such as his or her young age or mental or physical impairment. In these cases, we select a representative payee if we believe that representative payment, rather than direct payment of benefits, will serve the beneficiary's interest. Generally, we appoint a representative payee if we determine that the beneficiary is not able to manage or direct the management of benefit payments in his or her interest. The representative payee may be an organization or a person, such as a parent, relative, or friend of the beneficiary. We require the representative payee to use the money in the beneficiary's best interest and to report the expenditures to us to ensure that the representative payee is using the funds appropriately. Our policies on appointing representative payees and their use of benefits are designed to protect the beneficiaries' interests.

When a person or an organization requests to serve as a representative payee, we investigate the potential representative payee to help ensure that the person or organization will perform the duties of a representative payee responsibly and in the beneficiary's best interests. When we investigate, we look at factors such as the potential representative payee's relationship to the beneficiary, any past performance as a representative payee for other beneficiaries, and any criminal history the potential representative payee may have.

The Act prohibits certain groups of persons from serving as representative payees due to their criminal history. For example, the Act prohibits from serving as representative payees persons convicted of Social Security fraud [1] and persons who are fleeing to avoid prosecution, or custody or confinement after conviction, of a felony, or an attempt to commit a felony.[2] In other cases, the Act gives us discretion to determine whether it would be appropriate to appoint someone as a representative payee despite his or her criminal history. The Act provides that we may not certify payment of benefits to a person as a representative payee if that person has been convicted of an offense under Federal or State law that results in imprisonment for more than 1 year, ''unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction.'' [3]

Over 5.5 million of our beneficiaries have a representative payee.[4] Most representative payees serve beneficiaries appropriately. Given the sheer size of our representative payment program, however, we occasionally find that a

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[1] Sections 205(j)(2)(B)(i)(III), 205(j)(2)(C)(i)(I), 807(d)(1)(A), 1631(a)(2)(B)(ii)(III), and 1631(a)(2)(B)(iii)(I) of the Act, 42 U.S.C. 405(j)(2)(B)(i)(III), 405(j)(2)(C)(i)(I), 1007(d)(1)(A), 1383(a)(2)(B)(ii)(III), and 1383(a)(2)(B)(iii)(I).

[2] Sections 205(j)(2)(C)(i)(V), 807(d)(1)(E), and 1631(a)(2)(B)(iii)(V) of the Act, 42 U.S.C. 405(j)(2)(C)(i)(V), 1007(d)(1)(E), and 1383(a)(2)(B)(iii)(V).

[3] Sections 205 (j)(2)(B)(i)(IV), 205(j)(2)(C)(i)(IV), 807(d)(1)(D), 1631(a)(2)(B)(ii)(IV), and 1631(a)(2)(B)(iii)(IV) of the Act, 42 U.S.C. 405(j)(2)(B)(i)(IV), 405(j)(2)(C)(i)(IV), 1007(d)(1)(D), 1383(a)(2)(B)(ii)(IV), and 1383(a)(2)(B)(iii)(IV).

[4] Social Security Administration, Annual Statistical Supplement, 2012, Table 5.L.1 (available at: *http://www.socialsecurity.gov/policy/docs/statcomps/supplement/2012/5l.html.*

representative payee has used his or her position of trust to take advantage of beneficiaries. Over the last several years, we have become aware of several situations in which representative payees took advantage of beneficiaries. For example, one organizational representative payee mistreated several intellectually disabled men for whom it served both as representative payee and employer. Inspectors from the State of Iowa, acting on a complaint, found that the organization kept the men in sub-standard housing and committed a number of violations of the Iowa Code with respect to the men's pay. The state brought charges against the organization, including failure to provide minimum wage, failure to provide pay stubs, and making illegal deductions. The United States Equal Employment Opportunity Commission also brought an action against the organization under the American with Disabilities Act, alleging that the organization denied the workers lawful wages, subjected them to abusive verbal and physical harassment, restricted their freedom of movement, required them to live in deplorable and sub-standard living conditions, and failed to provide adequate medical care.

In another case, law enforcement officials in Philadelphia have charged a representative payee with holding captive and abusing several vulnerable beneficiaries over a period of years as part of a scheme to steal their Social Security benefits and Supplemental Security Income payments. As we learned of the criminal proceedings in this case, we also learned that this person had been convicted of murder more than 20 years ago.

We take the well-being of our beneficiaries very seriously. As Congress intended, when we evaluate a potential representative payee, we carefully consider the applicant's criminal history, even when it does not fall within the categories that result in a prohibition under the Act from serving as a representative payee. If a potential representative payee has a criminal history that does not result in a prohibition under the Act, we do not appoint that person unless we find a compelling reason to do so after we weigh the person's criminal history, his or her relationship to the beneficiary, custody of the beneficiary, and other factors. We have a number of procedures designed to prevent the appointment of representative payees who might take advantage of beneficiaries, as well as to discover situations in which representative payees act inappropriately. We also take quick action when we become aware of situations where representative payees are not acting appropriately.

Congress amended the Act to provide that we may prohibit a person from serving as a representative payee if that person has been convicted of an offense under Federal or State law that results in imprisonment for more than 1 year because it believed the provision would decrease the likelihood of mismanagement or abuse of beneficiaries' funds and help ensure that we act as an appropriate steward of taxpayer funds.[5] As part of our commitment to further Congress' intent and protect beneficiaries, we began a pilot in our Philadelphia region in June 2012. In this pilot, we bar potential representative payees who have been convicted of certain crimes involving violence or theft from serving as a representative payee. We also remove that person as a representative payee if he or she is already serving another beneficiary. We ask about an applicant's criminal history during the representative payee interview process, and we review information we have regarding criminal convictions. Under this pilot, we do not choose an applicant to be a payee if he or she has been convicted under Federal or State law for: (1) Human trafficking; (2) false imprisonment; (3) kidnapping, rape or other sexual offense requiring registration as a sex offender; (4) first degree murder; (5) robbery; (6) fraud to obtain government assistance; (7) fraud by scheme; (8) theft of government funds or property; 9) abuse; (10) neglect; (11) forgery; or (12) identity theft. We also bar a representative payee applicant who has been convicted of an attempt to commit any of these crimes or conspiracy in connection with any of these crimes.

We designed the pilot as a means to utilize our scarce administrative resources efficiently. Under the procedures in our pilot, we ask an applicant to be a representative payee about his or her criminal history during the representative payee interview process. To date, we only use information from our systems or self-reporting to obtain information about the applicant's criminal history, but we intend to use public information to conduct a criminal background check of the applicant. If we find that the person has been convicted of one of the specified crimes, we would not select the person to be a representative payee, and we would remove that person as representative payee if he or she already serves as a representative payee for another beneficiary.

In our pilot, we do not apply this bar if the applicant is the custodial parent, custodial spouse, or custodial court-appointed legal guardian of the beneficiary for whom the applicant is applying to serve as representative payee. In our experience, custodial parents and spouses generally serve appropriately as representative payees for their children and spouses. Under the pilot, if a potential representative payee who is the custodial parent or custodial spouse of the beneficiary has one of the specified criminal convictions, we weigh various factors, including the potential representative payee's criminal history and his or her relationship to and custody of the beneficiary, before we decide whether to appoint the person as representative payee.

Given the serious nature of the crimes we specify, we believe it would be appropriate to apply the prohibition regardless of how far in the past the crime or the conviction for the crime took place. We would not, of course, apply this bar if the representative payee applicant provides satisfactory evidence that his or her conviction has been overturned on appeal, or that he or she has been granted a full or absolute pardon by the President of the United States or appropriate state authority.

Request for Comments

We ask for your comments about whether we should prohibit persons who have been convicted of certain crimes from serving as a representative payee. We ask that, in preparing comments, you address questions such as:

(1) Should we apply the prohibition to a representative payee applicant who is the custodial parent or custodial spouse of the beneficiary?

(2) Are the crimes that we have identified appropriate ones to which to apply the prohibition? Are there other crimes to which we should apply the prohibition?

(3) If you believe that the crimes that we have identified should not result in a prohibition from serving as a representative payee, how would you further Congress' intent that we decrease the likelihood of mismanagement or abuse of beneficiaries' funds and ensure that we act as an appropriate steward of taxpayer funds?

(4) Should we apply the prohibition regardless of how far in the past the crime or the conviction for the crime took place?

[5] S. Rep. No. 108–176, at 10 (2003); H.R. Rep. No. 108–46, at 30 (2003).

(5) Are there any additional groups to whom the prohibition should or should not apply?

(6) If you have you ever served as a representative payee, would a ''bar'' policy have discouraged you from applying to be a payee? If you have never served as a representative payee, do you believe that a ''bar'' policy will discourage individuals from applying to be a payee? If so, please explain how you believe you would have been discouraged, or other individuals will be discouraged, from applying to be a representative payee.

Please see the information under **ADDRESSES** earlier in this document for methods to give us your comments. We will not respond to your comments, but we will consider them as we review our policies and instructions to determine if we should revise or update them.

Dated: February 1, 2013.

Michael J. Astrue,

Commissioner of Social Security.

[FR Doc. 2013–02919 Filed 2–8–13; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 8183]

Bureau of International Security and Nonproliferation Imposition of Missile Sanctions on Two Chinese Foreign Persons

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: A determination has been made that two foreign persons in China have engaged in activities that require the imposition of missile sanctions pursuant to the Arms Export Control Act, as amended, and the Export Administration Act of 1979, as amended (as carried out under Executive Order 13222 of August 17, 2001).

DATES: Effective Date: February 11, 2013.

FOR FURTHER INFORMATION CONTACT: Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State (202–647–4930). On U.S. Government procurement ban issues, Eric Moore, Office of the Procurement Executive, Department of State (703–875–4079).

SUPPLEMENTARY INFORMATION: Pursuant to Section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)); Section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)), as carried out under Executive Order 13222 of August 17, 2001 (hereinafter cited as the ''Export Administration Act of 1979''); and Executive Order 12851 of June 11, 1993; the U.S. Government determined on December 21, 2012 that the following foreign persons have engaged in missile technology proliferation activities that require the imposition of missile sanctions described in Section 73 of the AECA (22 U.S.C. 2797b) and Section 11B of the EAA (50 U.S.C. Appx 24710b):

Dalian Sunny Industries, (China), and its sub-units and successors; Li Fangwei (China) [also known as: Karl Lee].

Accordingly, the following sanctions are being imposed on these foreign persons for two years:

(A) Denial of all new individual export licenses for the transfer of MTCR Annex items to the sanctioned entities;

(B) Denial of all U.S. Government contracts relating to MTCR Annex items with the sanctioned entities.

These measures shall be implemented by the responsible departments and agencies of the United States Government as provided in Executive Order 12851 of June 11, 1993.

Dated: February 5, 2013.

Simon Limage,

Acting Assistant Secretary of State for International Security and Nonproliferation.

[FR Doc. 2013–03035 Filed 2–8–13; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice 8184]

Bureau of International Security and Nonproliferation Imposition of Nonproliferation Measures Against Foreign Persons, Including a Ban on U.S. Government Procurement

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: A determination has been made that a number of foreign persons have engaged in activities that warrant the imposition of measures pursuant to Section 3 of the Iran, North Korea, and Syria Nonproliferation Act. The Act provides for penalties on entities and individuals for the transfer to or acquisition from Iran since January 1, 1999; the transfer to or acquisition from Syria since January 1, 2005; or the transfer to or acquisition from North Korea since January 1, 2006, of goods, services, or technology controlled under multilateral control lists (Missile Technology Control Regime, Australia Group, Chemical Weapons Convention, Nuclear Suppliers Group, Wassenaar Arrangement) or otherwise having the potential to make a material contribution to the development of weapons of mass destruction (WMD) or cruise or ballistic missile sytems. The latter category includes (a) items of the same kind as those on multilateral lists but falling below the control list parameters when it is determined that such items have the potential of making a material contribution to WMD or cruise or ballistic missile systems, (b) items on U.S. national control lists for WMD/missile reasons that are not on multilateral lists, and (c) other items with the potential of making such a material contribution when added through case-by-case decisions.

DATES: *Effective Date:* February 5, 2013.

FOR FURTHER INFORMATION CONTACT: On general issues: Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State, Telephone (202) 647–4930. For U.S. Government procurement ban issues: Eric Moore, Office of the Procurement Executive, Department of State, Telephone: (703) 875–4079.

SUPPLEMENTARY INFORMATION: On December 20, 2012, the U.S. Government determined that the measures authorized in Section 3 of the Iran, North Korea, and Syria Nonproliferation Act (Pub. L. 109–353) shall apply to the following foreign persons identified in the report submitted pursuant to Section 2(a) of the Act:

TM Services Limited (TMS) (Belarus) and any successor, sub-unit, or subsidiary thereof;

Scientific and Industrial Republic Unitary Enterprise (Belarus) [also known as DB Radar] and any successor, sub-unit, or subsidiary thereof;

BST Technology and Trade Company (China) and any successor, sub-unit, or subsidiary thereof;

China Precision Machinery Import and Export Corporation (CPMIEC) (China) and any successor, sub-unit, or subsidiary thereof;

Dalian Sunny Industries (China) [also known as: LIMMT] and any successor, sub-unit, or subsidiary thereof;

Karl Lee (China) [also known as: Li Fangwei];

Poly Technologies Incorporated (China) and any successor, sub-unit, or subsidiary thereof;

Iran Electronics Industries (IEI) (Iran) and any successor, sub-unit, or subsidiary thereof;

Marine Industries Organization (MIO) (Iran) and any successor, sub-unit, or subsidiary thereof;

Milad Jafari (Iran);

Al-Zargaa Engineering Complex (ZEC) (Sudan) and any successor, sub-unit, or subsidiary thereof;

SMT Engineering (Sudan) and any successor, sub-unit, or subsidiary thereof;

Army Supply Bureau (ASB) (Syria) and any successor, sub-unit, or subsidiary thereof; and

Venezuelan Military Industry Company (CAVIM) (Venezuela) and any successor, sub-unit, or subsidiary thereof.

Accordingly, pursuant to Section 3 of the Act, the following measures are imposed on these persons:

1. No department or agency of the United States Government may procure or enter into any contract for the procurement of any goods, technology, or services from these foreign persons, except to the extent that the Secretary of State otherwise may determine;

2. No department or agency of the United States Government may provide any assistance to these foreign persons, and these persons shall not be eligible to participate in any assistance program of the United States Government, except to the extent that the Secretary of State otherwise may determine;

3. No United States Government sales to these foreign persons of any item on the United States Munitions List are permitted, and all sales to these persons of any defense articles, defense services, or design and construction services under the Arms Export Control Act are terminated; and

4. No new individual licenses shall be granted for the transfer to these foreign persons of items the export of which is controlled under the Export Administration Act of 1979 or the Export Administration Regulations, and any existing such licenses are suspended.

These measures shall be implemented by the responsible departments and agencies of the United States Government and will remain in place for two years from the effective date, except to the extent that the Secretary of State may subsequently determine otherwise.

Dated: February 5, 2013.

Simon Limage,

Acting Assistant Secretary of State for International, Security and Nonproliferation.

[FR Doc. 2013–03030 Filed 2–8–13; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice 8182]

Bureau of International Security and Nonproliferation Imposition of Nonproliferation Measures on Chinese and Iranian Foreign Persons

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: The U.S. Government has determined that a number of Chinese and Iranian foreign persons have engaged in proliferation activities that warrant the imposition of measures pursuant to Executive Order 12938 of November 14, 1994, as amended by Executive Order 13094 of July 28, 1998 and Executive Order 13382 of June 28, 2005.

DATES: *Effective Date:* February 11, 2013.

FOR FURTHER INFORMATION CONTACT: On general issues: Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State (202–647–4930). On import ban issues, Rochelle Stern, Director Policy Planning and Program Management, Office of Foreign Assets Control, Department of the Treasury (202–622–2500). On U.S. Government procurement ban issues: Eric Moore, Office of the Procurement Executive, Department of State (703–875–4079).

SUPPLEMENTARY INFORMATION: Pursuant to the authorities vested in the President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), and Section 301 of title 3, United States Code, and Executive Order 12938 of November 14, 1994, as amended, the U.S. Government determined on December 21, 2012 that the following Chinese and Iranian foreign persons have engaged in proliferation activities that warrant the imposition of measures pursuant to sections 4(b), 4(c), and 4(d) of Executive Order 12938:

Dalian Sunny Industries (China);

Li Fangwei (China) [also known as: Karl Lee];

Ministry of Defense and Armed Forces Logistics (MODAFL) (Iran);

Shahid Bakeri Industrial Group (SBIG) (Iran); and

Shahid Sattari Ground Equipment Industries (Iran).

Accordingly, pursuant to the provisions of Executive Order 12938, as amended, the following measures are imposed on these entities, their subunits, and successors for two years:

1. No departments or agencies of the United States Government shall procure or enter into any contract for the procurement of any goods, technology, or services from these persons including the termination of existing contracts;

2. No departments or agencies of the United States government shall provide any assistance to these persons, and shall not obligate further funds for such purposes;

3. The Secretary of the Treasury shall prohibit the importation into the United States of any goods, technology, or services produced or provided by these persons, other than information or informational materials within the meaning of section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

These measures shall be implemented by the responsible departments and agencies as provided in Executive Order 12938, as amended.

In addition, pursuant to section 126.7(a)(1) of the International Traffic in Arms Regulations, it is deemed that suspending the above-named persons from participating in any activities subject to Section 38 of the Arms Export Control Act would be in furtherance of the national security and foreign policy of the United States. Therefore, for two years, the Department of State is hereby suspending all licenses and other approvals for: (a) Exports and other transfers of defense articles and defense services from the United States to the above-named persons; (b) transfers of U.S.-origin defense articles and defense services from foreign destinations to the above-named persons; and (c) temporary import of defense articles to or from the above-named persons.

Moreover, it is the policy of the United States to deny licenses and other approvals for exports and temporary imports of defense articles and defense services destined for the above-named persons.

Dated: February 5, 2013.

Simon Limage,

Acting Assistant Secretary of State for International Security and Nonproliferation.

[FR Doc. 2013–03026 Filed 2–8–13; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Request to Release Airport Property

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Request to Release Airport Property at the Colonel James Jabara Airport (AAO), Wichita, KS.

SUMMARY: The FAA proposes to rule and invites public comment on the release of land at the Colonel James Jabara Airport (AAO), Wichita, Kansas, under the provisions of 49 U.S.C. 47107(h)(2).

DATES: Comments must be received on or before March 13, 2013.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: John Oswald, Airport Engineer, Colonel James Jabara Airport, Wichita Airport Authority; 2173 Air Cargo Rd., Wichita, KS 67209, (316) 946–4700.

FOR FURTHER INFORMATION CONTACT: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106, (816) 329–2644, *lynn.martin@faa.gov.*

The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release approximately 48.24 acres of airport property at the Colonel James Jabara Airport (AAO) under the provisions of 49 U.S.C. 47107(h)(2). On July 30, 2012, the City of Wichita's Airport Engineer requested from the FAA that approximately 48.24 acres of property be released for sale to the City of Wichita. On Nov. 5, 2012, the FAA determined that the request to release property at Colonel James Jabara Airport (AAO) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this Notice.

The following is a brief overview of the request:

Colonel James Jabara Airport (AAO) is proposing the release of a parcel, totaling 48.24 acres. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the land at the Colonel James Jabara Airport (AAO) being changed from aeronautical to nonaeronautical use and release the surface lands from the conditions of the AIP Grant Agreement Grant Assurances, but retaining the mineral rights. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value for the property, which will be subsequently reinvested in purchasing land adjacent to the Wichita Mid-continent Airport (ICT), which is also owned by the City of Wichita, Wichita Airport Authority.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at the Colonel James Jabara Airport.

Re-Issued in Kansas City, MO on February 4, 2013.

Jim A. Johnson,

Manager, Airports Division.

[FR Doc. 2013–03034 Filed 2–8–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Request to Release Airport Property at the Woodbine Municipal Airport, Woodbine, NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the Woodbine Municipal Airport, Woodbine, New Jersey under the provision 49 U.P.C. 47125(a).

DATES: Comments must be received on or before March 13, 2013.

ADDRESSES: Comments on this application may be mailed or delivered to the following address: Mayor William Pikolycky, Chairman, Woodbine Municipal Airport, 660 Henry DeCinque Boulevard, Woodbine, New Jersey 08270, and at the FAA Harrisburg Airports District Office: Lori K. Pagnanelli, Manager, Harrisburg Airports District Office, 3905 Hartzdale Dr., Suite 508, Camp Hill, PA 17011.

FOR FURTHER INFORMATION CONTACT: Lori Ledebohm, Community Planner, Harrisburg Airports District Office location listed above.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Woodbine Municipal Airport under the provisions of Section 47125(a) of Title 49 U.S.C. On April 20, 2011, the FAA determined that the request to release property at the Woodbine Municipal Airport (OBI), New Jersey, submitted by the Woodbine Port Authority (Authority) met the procedural requirements.

The following is a brief overview of the request:

The Authority requests the release of real property totaling 8.99 acres of non-aeronautical airport property to Paul Gentilini and D.M.A. Investments, LLC dba Gentilini Ford, Woodbine, NJ. The land was originally acquired by the Borough of Woodbine in 1947 from the Reconstruction Finance Corporation and the USA through the War Assets Administration. The undeveloped property is located immediately adjacent to DeHirsch Avenue and Henry DeCinque Drive. Gentilini Ford is proposing to develop the property as an extension of the existing automobile dealership, to include parking and service lanes, office space, parts storage and a maintenance building. The subject land does not serve an aeronautical purpose and is not needed for airport development, as shown on the Airport Layout Plan. All proceeds from the sale of property are to be used for the capital development of the airport. Fair Market Value (FMV) will be obtained from the land sale and reinvested back into an AIP eligible project at the airport.

Any person may inspect the request by appointment at the FAA office address listed above. Interested persons are invited to comment on the proposed release from obligations. All comments will be considered by the FAA to the extent practicable.

Issued in Camp Hill, Pennsylvania, February 5, 2013.

Lori K. Pagnanelli,

Manager, Harrisburg Airports District Office.

[FR Doc. 2013–03025 Filed 2–8–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration (FAA)

Notice of Opportunity for Public Comment on Surplus Property Release at Brunswick—Golden Isles Airport, Brunswick, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. 47153(c), notice is being given that the FAA is considering a request from the Glynn County Airport Commission to waive the requirement that a 0.739-acre parcel of surplus property, located on Glynn County airport owned and operated land adjacent to, but not contiguace with, Brunswick—Golden Isles Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before March 13, 2013.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Aimee A. McCormick, Program Manager, 1701 Columbia Ave., Suite 2–260, Atlanta, GA 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Steve Brian, Airport Director of Brunswick—Golden Isles Airport at the following address: 295 Aviation Parkway, Ste. 205, Brunswick, GA 31525.

FOR FURTHER INFORMATION CONTACT: Aimee McCormick, Program Manager, Atlanta Airports District Office, 1701 Columbia Ave., Suite 2–260, Atlanta, GA 30337–2747, (404) 305–7143. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the Glynn County Airport Commission to release 0.739 acres of surplus property at the Brunswick—Golden Isles Airport. The property will be purchased with intent for Planned or Commerical Development. The location of the the land relative to existing or anticipated aircraft noise contours greater than 65ldn are not considered to be an issue. The net proceeds from the sale of this property will be used for airport purposes. The proposed use of this property is compatible with airport operations.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Brunswick Golden Isles Airport.

Issued in Atlanta, Georgia on January 30, 2013.

Scott L. Seritt,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 2013–03028 Filed 2–8–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Action on Proposed Transportation Project in Illinois and Indiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project within the Illiana Corridor Study Area, which is generally the area between I–55 in Illinois on the west, I–65 in Indiana on the east, the areas south of US 30 in Will County in Illinois and Lake County in Indiana to the northern portion of Kankakee County in Illinois and the southern portion of Lake County in Indiana. The Federal actions, taken as a result of a tiered environmental review process under the National Environmental Policy Act, 42 U.S.C. 4321–4351 (NEPA), and implementing regulations on tiering, 40 CFR 1502.20, 40 CFR 1508.28, and 23 CFR Part 771, determined certain issues relating to the proposed project. The Tier One decisions will be used by Federal agencies in subsequent proceedings, including decisions whether to grant licenses, permits, and approvals for the proposed highway project. Tier One decisions also may be relied upon by State and local agencies in proceedings on the proposed project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Tier One Federal agency actions of the proposed highway project will be barred unless the claim is filed on or before July 11, 2013. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. J. Michael Bowen, P.E., Acting Division Administrator, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703, Phone: (217) 492–4600, Email address: *J.Michael.Bowen@dot.gov.* The FHWA Illinois Division Office's normal business hours are 7:30 a.m. to 4:15 p.m. (Central Standard Time). You may also contact Mr. John Fortmann, P.E., Illinois Department of Transportation, Acting Deputy Director of Highways, Region One Engineer, 201 West Center Court, Schaumburg, Illinois 60196, Phone: (847) 705–4000. The Illinois Department of Transportation Region One's normal business hours are 8 a.m. to 4:30 p.m. (Central Standard Time). You may also contact Mr. Greg Kicinski, Director, Project Management, Indiana Department of Transportation, 100 North Senate Avenue IGCN 642, Indianapolis, IN 46204, Phone: (317) 234–1534. The Indiana Department of Transportation normal business hours are 8 a.m. to 4:00 p.m. (Eastern Standard Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has issued a Tier One Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) in connection with the proposed highway project within the Illiana Corridor of Illinois and Indiana. Decisions in the Tier One ROD include, but are not limited to the following:

a. The purpose and need for the project, including goals to improve regional mobility, alleviate local system congestion and improve local system mobility, and provide for efficient movement of freight in the Illiana Corridor between I–55 on the west and I–65 on the east.

b. The selection of Corridor B3 that generally starts at I–55 north of Wilmington, Illinois, passes south of the proposed South Suburban Airport, and connects with I–65 north of Lowell, Indiana. It is typically 2,000 feet in width.

c. The elimination from further consideration and study of Corridor A3S2 and Corridor B4.

d. The evaluation of a range of alternatives within Corridor B3 to identify a preferred alignment during the Tier Two NEPA studies. The flexibility will exist, however, to consider alternatives outside of Corridor B3 if necessary to avoid sensitive environmental resources identified as part of the Tier Two environmental field studies, or to address context sensitive design issues in a way that does not materially increase overall impacts. The issue of whether to consider alternatives

outside the selected corridor will be determined in consultation with resource agencies in Tier Two.

Interested parties may consult the ROD and FEIS for further information on each of the decisions described above.

The Tier One actions by the Federal agencies, and the laws under which such actions were taken, are described in the FEIS approved January 17, 2013, the ROD approved January 17, 2013, and in other documents in the FHWA project records. The scope and purpose of the Tier One FEIS are described in Section 1.0 of the FEIS. The FEIS, ROD, and other documents in the FHWA project file are available by contacting the FHWA or the Illinois or Indiana Departments of Transportation at the addresses provided above. The FEIS and ROD also are available online at *http://illianacorridor.org/.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351] Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303 and 23 U.S.C. 138].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq*].

6. *Water Resources:* Safe Drinking Water Act [42 U.S.C. 300(f)–300(j)(6)]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287].

7. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

Authority: 23 U.S.C. 139(l)(1).

Issued on: January 29, 2013.

J. Michael Bowen,

Acting Division Administrator, Springfield, Illinois.

[FR Doc. 2013–02715 Filed 2–8–13; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0337]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 18 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective February 11, 2013. The exemptions expire on February 11, 2015.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202)–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgement that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on December 29, 2010 (75 FR 82132), or you may visit *http://www.gpo.gov/fdsys/pkg/FR-2010-12-29/pdf/2010-32876.pdf.*

Background

On November 26, 2012, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (77 FR 70534). That notice listed 18 applicants' case histories. The 18 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 18 applications on their merits and made a determination to grant exemptions to each of them.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing requirement red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to

accommodate their vision limitation and demonstrated their ability to drive safely. The 18 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, refractive amblyopia, cataracts, no light perception, retinal detachment, open angle glaucoma, macular scar, aphakia, branch retinal artery occlusion, medullated nerve fibers, and complete loss of vision. In most cases, their eye conditions were not recently developed. Thirteen of the applicants were either born with their vision impairments or have had them since childhood.

The five individuals that sustained their vision conditions as adults have had it for a period of 4 to 27 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 18 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 3 to 44 years. In the past 3 years, none of the drivers were involved in crashes but three were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the November 26, 2012 notice (77 FR 70534).

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 18 applicants, none of the drivers were involved in crashes but three were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 18 applicants

listed in the notice of November 26, 2012 (77 FR 70534).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 18 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) that each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received no comments in this proceeding.

Conclusion

Based upon its evaluation of the 18 exemption applications, FMCSA exempts Joseph Colecchi (PA), William A. Donovan (WA), Douglas Eamens (NY), Brian Knust (IL), Scott A. Lambertson (MN), James W. Long (AR), Dean L. Price (WA), Roberto Ramos (TX), Johnie Reed (VA), Charles Roudebush (NJ), Mario G. Sanseverino (OK), Samuel Soles (MI), Joseph Stenberg (MT), Karl H. Strangfeld (UT), Grover C. Taylor (VA), Jimmy Van Meter (AR), Keith Washington (IL), and Donald L. Weston (PA) from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: January 30, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–02991 Filed 2–8–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0111; Notice 1]

Michelin North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of Petition.

SUMMARY: Michelin North America, Inc. (Michelin),[1] has determined that certain BF Goodrich brand tires manufactured between June 12, 2011 and April 21, 2012, do not fully comply with paragraph S5.5(b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles.* Michelin has filed an appropriate report dated July 16, 2012, pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports.*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR Part 556), Michelin submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Michelin's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Vehicles Involved: Affected are approximately 1,300 g-Force Sport Comp2, size 205/45ZR17 88W, BF Goodrich brand tires manufactured between June 12, 2011 and April 21, 2012.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, these provisions only apply to the subject 1,300[2] tires that Michelin no longer controlled at the time it determined that the noncompliance existed.

Noncompliance: Michelin explains that the noncompliance is that, due to a mold labeling error, the subject tires sidewall markings on the opposite side of the full DOT TIN are lacking the designation ''Extra Load'' and thus do not conform to the requirements of 49 CFR 571.139 paragraph S5.5(b).

Rule Text: Paragraph S5.5 of FMVSS No. 139 requires in pertinent part:

S5.5 Tire markings. Except as specified in paragraphs (a) through (i) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one side-wall with the information specified in S5.5(e) through (i) according to the phase-in schedule specified in S7 of this standard. The markings must be placed between the maximum section width and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area that is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width that falls within that area, those markings must appear between the bead and a point one-half the distance from the bead to the shoulder of the tire, on at least one sidewall. The markings must be in letters and numerals not less than 0.078 inches high and raised above or sunk below the tire surface not less than 0.015 inches * * *

(b) The tire size designation as listed in the documents and publications specified in S4.1.1 of this standard * * *

Summary of Michelin's Analysis and Arguments

Michelin believes that while the noncompliant tires lack the marking ''Extra Load'' on the sidewall opposite of the full DOT TIN as required by FMVSS No. 139, it is inconsequential as it relates to motor vehicle safety for the following reasons:

1. The subject tires meet or exceed all applicable FMVSS performance standards.

[1] Michelin North America, Inc, is a manufacturer of replacement equipment and is registered under the laws of the state of New York.

[2] Michelin's petition, which was filed under 49 CFR Part 556, requests an agency decision to exempt Michelin as an equipment manufacturer from the notification and recall responsibilities of 49 CFR Part 573 for the 1,300 affected tires. However, a decision on this petition will not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Michelin notified them that the subject noncompliance existed.

2. Associated with the designation ''Extra Load'' is a higher maximum load and a possible higher maximum inflation pressure. Each of the subject tires has been marked on both sidewalls with a maximum load of 560 kg (1235 lbs) which, under the ETRTO standard, corresponds to an Extra Load (or Reinforced) tire of the size 205/45ZR17 and load index of 88. The maximum inflation pressure marked beneath each maximum load is 340 kPa (50 psi), which is consistent with an Extra Load tire.

3. Per FMVSS No. 139 and ETRTO standards, the marking ''Extra Load'' alerts the installer to the fact that the subject tire has a higher load carrying capacity than the standard load tire of the same dimension. In the absence of the ''Extra Load'' mark, an installer could fit the subject tire to a vehicle which requires a standard load tire. But since the subject tire has the performance capacity of an Extra Load tire, the load requirement of the standard load fitment would be exceeded.

4. The subject tire is also a directional tire for which there is no intended outboard sidewall, that is, the preferred direction of rotation is marked on the sidewall, and when the subject tires are mounted on a vehicle, the left side tires on the vehicle will show the full DOT TIN and no Extra Load designation after the tire size. While this may cause some confusion for the operator, the marked maximum load capacity of 560 kg (1235 lbs) will be visible on the outboard facing sidewall of all four tires, and will confirm the same maximum load capacity of each fitted tire.

5. All other sidewall markings are consistent with the requirements of FMVSS No. 139 for a passenger category tire and the non-conformity of the subject tires has no impact on the load carrying capacity of the tire on a motor vehicle, nor on motor vehicle safety.

Michelin has additionally informed NHTSA that it has corrected future production and that all other tire labeling information is correct.

In summation, Michelin believes that the described noncompliance of its tires is inconsequential to motor vehicle safety, and that its petition, to exempt it from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

Comments

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/*. Follow the online instructions for submitting comments. Comments may also be faxed to 1–202–493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

DATES: *Comment Closing Date:* March 13, 2013.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at CFR 1.95 and 501.8)

Issued On: February 1, 2013.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2013–03076 Filed 2–8–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0109; Notice 1]

Cooper Tire & Rubber Company, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of Petition.

SUMMARY: Cooper Tire & Rubber Company (Cooper),[1] has determined that certain Cooper brand tires manufactured between May 20, 2012 and June 16, 2012, do not fully comply with paragraph S5.5 of Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles.* Cooper has filed an appropriate report dated July 5, 2012, pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports.*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR Part 556), Cooper submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Cooper's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Vehicles Involved: Affected are approximately 1,080 size P225/70R14 El Dorado Legend GT brand standard load tires manufactured in Mexico by Cooper's affiliate, Corporación de Occidente S.A. de C.V., between May 20, 2012, and June 16, 2012.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the

[1] Cooper Tire & Rubber Company, is a manufacturer of replacement equipment and is registered under the laws of the state of Delaware.

defect or noncompliance. Therefore, these provisions only apply to the subject 1,080 [2] tires that Cooper no longer controlled at the time it determined that the noncompliance existed.

Noncompliance: Cooper explains that the noncompliance is that, due to a mold labeling error. The sidewall marking on the tires incorrectly describes the actual number of plies in the tread area of the tires as required by paragraph S5.5(f).

Specifically, the tires in question were inadvertently manufactured with ''TREAD 2 PLY STEEL + 2 PLY POLYESTER; SIDEWALL 2 PLY POLYESTER.'' The labeling should have been ''TREAD 1 PLY NYLON + 2 PLY STEEL + 2 PLY POLYESTER; SIDEWALL ALL 2 PLY POLYESTER.''

Rule Text: Paragraph S5.5 of FMVSS No. 139 requires in pertinent part:

S5.5 Tire markings. Except as specified in paragraphs (a) through (i) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one sidewall with the information specified in S5.5(e) through (i) according to the phase-in schedule specified in S7 of this standard. The markings must be placed between the maximum section width and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area that is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width falls within that area, those markings must appear between the bead and a point one-half the distance from the bead to the shoulder of the tire, on at least one sidewall. The markings must be in letters and numerals not less than 0.078 inches high and raised above or sunk below the tire surface not less than 0.015 inches. * * *

(e) The generic name of each cord material used in the plies (both sidewall and tread area) of the tire;

(f) The actual number of plies in the sidewall, and the actual number of plies in the tread area, if different; * * *

Summary of Cooper's Analysis and Arguments

Cooper believes that while the noncompliant tires are mislabeled; the subject tires in fact have more tread plies than indicated and meet or exceed all performance requirements as required in part by FMVSS No. 139.

In addition, Cooper states that it has corrected the problem that caused the noncompliance so that it will not reoccur in future production.

In summation, Cooper believes that the described noncompliance of its tires is inconsequential to motor vehicle safety, and that its petition, to exempt it from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

Comments

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/*. Follow the online instructions for submitting comments. Comments may also be faxed to 1–202–493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

DATES: *Comment Closing Date:* March 13, 2013.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at CFR 1.95 and 501.8)

Issued On: February 1, 2013.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2013–03075 Filed 2–8–13; 8:45 am]

BILLING CODE 4910–59–P

[2] Cooper's petition, which was filed under 49 CFR Part 556, requests an agency decision to exempt Cooper as an equipment manufacturer from the notification and recall responsibilities of 49 CFR Part 573 for the 1,080 affected tires. However, a decision on this petition will not relieve tire distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after Cooper notified them that the subject noncompliance existed.

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