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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–0322; Airspace Docket No. 12–AAL–3]

Amendment of Class E Airspace; Unalakleet, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Unalakleet Airport, Unalakleet AK, to accommodate aircraft using new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures at Unalakleet Airport. This action enhances the safety and management of aircraft operations at the airport.

DATES: Effective date, 0901 UTC, June 27, 2013. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA, 98057; telephone (425) 203–4517.

SUPPLEMENTARY INFORMATION:

History

On May 9, 2012, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify controlled airspace at Unalakleet, AK (77 FR 27149). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6002 and 6005, respectively, of FAA Order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface, at Unalakleet Airport, Unalakleet, AK. Additional controlled airspace is necessary to accommodate aircraft using the new RNAV (GPS) standard instrument approach procedures at the airport, and enhances the safety and management of instrument flight rules operations.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 discusses the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies controlled airspace at Unalakleet Airport, Unalakleet, AK.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air)

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012 is amended as follows:

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

AAL AK E2 Unalakleet, AK [Modified]

Unalakleet Airport, AK
(Lat. 63°53′19″ N., long. 160°47′57″ W.)

That airspace within a 4.2-mile radius of Unalakleet Airport beginning at the 020° bearing of the airport, clockwise to the 270° bearing of the airport, and within a 7-mile radius of Unalakleet Airport beginning at the 270° bearing of the airport clockwise to the 020° bearing of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6005. Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Unalakleet, AK [Modified]

Unalakleet Airport, AK
(Lat. 63°53′19″ N., long. 160°47′57″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Unalakleet Airport beginning at the 360° bearing of the airport clockwise to the 260° bearing of the airport, and within a 13.5-mile radius of Unalakleet Airport beginning at the 260° bearing of the airport clockwise to the 360° bearing of the airport, and within 6 miles each side of the Unalakleet Airport 185° bearing of the airport extending from the 7-mile radius to 10 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within a 74-mile radius of Unalakleet Airport.

Issued in Seattle, Washington, on December 31, 2012.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2013–05911 Filed 3–14–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–0835; Airspace Docket No. 12–ANE–15]

Amendment of Class E Airspace; Morrisville, VT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E Airspace at Morrisville, VT, as the Morrisville-Stowe Non-Directional Beacon (NDB) has been decommissioned and new Standard Instrument Approach Procedures have been developed at Morrisville-Stowe State Airport. This action enhances the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, May 2, 2013. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

On December 21, 2012, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace at Morrisville, VT (77 FR 75596) Docket No. FAA–2012–0835. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends the Class E airspace extending upward from 700 feet above the surface at Morrisville, VT, to accommodate the new Standard Instrument Approach Procedures developed for Morrisville-Stowe State Airport . The Morrisville-Stowe NDB has been decommissioned, and the NDB approach cancelled. Accordingly, the extension of Class E airspace to the northeast of the airport based on the cancelled NDB is eliminated and the basic radius of controlled airspace extending upward from 700 feet above the surface is extended from 4 miles to 14.8 miles. This action is necessary due to the elevated terrain surrounding the airport.

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, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Morrisville-Stowe State Airport, Morrisville, VT.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, effective September 15, 2012, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANE VT E5 Morrisville, VT [Amended]

Morrisville-Stowe State Airport
(Lat. 44°32′04″ N., long. 72°36′50″ W.)

That airspace extending upward from 700 feet above the surface within a 14.8-mile radius of Morrisville-Stowe State Airport.

Issued in College Park, Georgia, on March 5, 2013.

Barry A. Knight,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2013–05910 Filed 3–14–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 56

[Docket No. FDA–2013–N–0003]

Institutional Review Boards; Correcting Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correcting amendments.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations regarding institutional review boards to address a minor correction to the regulatory text and to update contact information. This action is editorial in nature and is intended to provide accuracy and clarity to the Agency's regulations.

DATES: This final rule is effective March 15, 2013.

FOR FURTHER INFORMATION CONTACT: Kathleen Pfaender, Office of Special Medical Programs, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5172, Silver Spring, MD 20993, 301–796–8346.

SUPPLEMENTARY INFORMATION: FDA is amending 21 CFR part 56 to correct a minor error in the Code of Federal Regulations (CFR), and to update obsolete information. A minor spelling error was introduced inadvertently in the CFR when the regulations were first published. Also, contact information in the regulations is obsolete and in need of updating.

Publication of this document constitutes final action under the Administrative Procedures Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because this amendment to the regulations provides only technical changes to correct minor errors and to update obsolete information, and is nonsubstantive.

List of Subjects in 21 CFR Part 56

Human research subjects, Reporting and reporting requirements, and Safety.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 56 is amended as follows:

PART 56—INSTITUTIONAL REVIEW BOARDS

■ 1. The authority citation for 21 CFR part 56 continues to read as follows:

Authority: 21 U.S.C. 321, 343, 346, 346a, 348, 350a, 350b, 351, 352, 353, 355, 360, 360c–360f, 360h–360j, 371, 379e, 381; 42 U.S.C. 216, 241, 262, 263b–263n.

■ 2. In § 56.106 revise paragraph (d) to read as follows:

§ 56.106 Registration.

* * * * *

(d) *Where can an IRB register*? Each IRB may register electronically through *http://ohrp.cit.nih.gov/efile.* If an IRB lacks the ability to register electronically, it must send its registration information, in writing, to the Office of Good Clinical Practice, Office of Special Medical Programs, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5129, Silver Spring, MD 20993.

* * * * *

■ 3. Section 56.107 is amended in paragraph (a), by revising the 3rd sentence to read as follows:

§ 56.107 IRB membership.

(a) * * * In addition to possessing the professional competence necessary to review the specific research activities, the IRB shall be able to ascertain the acceptability of proposed research in terms of institutional commitments and regulations, applicable law, and standards of professional conduct and practice. * * *

* * * * *

Dated: March 12, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–06030 Filed 3–14–13; 8:45 am]

BILLING CODE 4160–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under the benefit payments regulation for valuation dates in April 2013 and interest assumptions under the asset allocation regulation for valuation dates in the second quarter of 2013. The interest assumptions are used for valuing and paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective April 1, 2013.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*Klion.Catherine@PBGC.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulations on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) and Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulations are also published on PBGC's Web site (*http://www.pbgc.gov*).

The interest assumptions in Appendix B to Part 4044 are used to value benefits for allocation purposes under ERISA section 4044. PBGC uses the interest assumptions in Appendix B to Part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to Part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in Appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for April 2013 and updates the asset allocation interest

assumptions for the second quarter (April through June) of 2013.

The second quarter 2013 interest assumptions under the allocation regulation will be 2.50 percent for the first 20 years following the valuation date and 3.20 percent thereafter. In comparison with the interest assumptions in effect for the first quarter of 2013, these interest assumptions represent no change in the select period (the period during which the select rate (the initial rate) applies), a decrease of 0.17 percent in the select rate, and an increase of 0.19 percent in the ultimate rate (the final rate).

The April 2013 interest assumptions under the benefit payments regulation will be 1.00 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for March 2013, these interest assumptions are unchanged.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the valuation and payment of benefits under plans with valuation dates during April 2013, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 234, as set forth below, is added to the table.

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
234	4–1–13	5–1–13	1.00	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 234, as set forth below, is added to the table.

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	
234	4–1–13	5–1–13	1.00	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry for April–June 2013, as set forth below, is added to the table.

Appendix B to Part 4044—Interest Rates Used To Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
*	*	*	*	*	*	
April–June 2013	0.0250	1–20	0.0320	>20	N/A	N/A

Issued in Washington, DC, on this 11th day of March 2013.

Leslie Kramerich,

Acting Chief Policy Officer, Pension Benefit Guaranty Corporation.

[FR Doc. 2013–06085 Filed 3–14–13; 8:45 am]

BILLING CODE 7709–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 561

Iranian Financial Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control is amending the Iranian Financial Sanctions Regulations (the ''IFSR'') to implement sections 503 and 504 of the Iran Threat Reduction and Syria Human Rights Act of 2012, which amended section 1245 of the National Defense Authorization Act for Fiscal Year 2012; and section 1, portions of section 6, and other related provisions of Executive Order 13622 of July 30, 2012.

DATES: *Effective Date:* March 15, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, Assistant Director for Regulatory Affairs, tel.: 202/622–4855, Assistant Director for Policy, tel.: 202/622-, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') originally published the Iranian Financial Sanctions Regulations, 31 CFR part 561 (the ''IFSR''), on August 16, 2010 (75 FR 49836), to implement subsections 104(c) and (d) and other related provisions of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Pub. L. 111–195) (22 U.S.C. 8501–8551) (''CISADA''), which had been signed into law by the President on July 1, 2010. Subsection 104(c) of CISADA required the Secretary of the Treasury to prescribe regulations to prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account for a foreign financial institution that the Secretary finds knowingly engages in specified sanctionable activities.

On February 27, 2012, OFAC amended the IFSR and reissued them in their entirety (77 FR 11724), in order to implement section 1245(d) of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81) (22 U.S.C. 8513a) (''NDAA''), which had been signed into law by the President on December 31, 2011. Section 1245(d)(1) of the NDAA provides for the President to prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted or facilitated any significant financial transaction with the Central Bank of Iran or another Iranian financial institution designated by the Secretary of the Treasury pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (''IEEPA'').

Section 1245(d)(2) of the NDAA excepted transactions for the sale of food, medicine, or medical devices to Iran from the imposition of sanctions under section 1245(d)(1). Section 1245(d)(3) of the NDAA limited the imposition of sanctions pursuant to section 1245(d)(1) on foreign financial institutions owned or controlled by the government of a foreign country, including the central bank of a foreign country, to significant transactions for the sale or purchase of petroleum or petroleum products to or from Iran. Section 1245(d)(4)(D) of the NDAA provided for an exception from the imposition of sanctions pursuant to section 1245(d)(1) on any foreign financial institution if the President determines and periodically reports to Congress that the country with primary jurisdiction over that foreign financial institution has significantly reduced its crude oil purchases from Iran during the 180-day period preceding the report.

On July 30, 2012, invoking the authority of, *inter alia,* IEEPA, the President issued Executive Order 13622, ''Authorizing Additional Sanctions With Respect to Iran'' (77 FR 45897, August 2, 2012) (''E.O. 13622''). The President issued E.O. 13622 to take additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995, particularly in light of the Government of Iran's use of revenues from petroleum, petroleum products, and petrochemicals for illicit purposes, Iran's continued attempts to evade international sanctions through deceptive practices, and the unacceptable risk posed to the international financial system by Iran's activities.

Section 1(a) of E.O. 13622 authorizes the Secretary of the Treasury, in consultation with the Secretary of State and subject to certain exceptions, to impose correspondent and payable-through account sanctions on foreign financial institutions determined to have knowingly conducted or facilitated any significant financial transaction with the National Iranian Oil Company (''NIOC''); with Naftiran Intertrade Company (''NICO''); or for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran. Section 10 of E.O. 13622 defines the terms NIOC and NICO as including any entity owned or controlled by, or operating for or on behalf of, respectively, NIOC and NICO.

Section 1(c) of E.O. 13622 provides that sanctions under subsections 1(a)(i) and (ii) for transactions with NIOC or NICO or for the purchase or acquisition of petroleum or petroleum products from Iran will apply only if (1) the President determines under subsections 1245(d)(4)(B) and (C) of the NDAA that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the purchase of petroleum and petroleum products from Iran by or through foreign financial institutions; and (2) a significant reduction exception under subsection 1245(d)(4)(D) of the NDAA does not apply with respect to the transaction.

Thus, transactions with NIOC or NICO or for the purchase or acquisition of petroleum or petroleum products from Iran are excepted from the imposition of sanctions under section 1(a) of E.O. 13622 if the transaction qualifies for the significant reduction exception under subsection 1245(d)(4)(D) of the NDAA. Transactions for the purchase or acquisition of petrochemical products from Iran are subject to sanctions under section 1(a) of E.O. 13622 regardless of whether the President makes the determination that there is a sufficient supply of petroleum and petroleum

products under subsections 1245(d)(4)(B) and (C) of the NDAA or whether a significant reduction exception under subsection 1245(d)(4)(D) of the NDAA applies. Section 1(d) of E.O. 13622 also provided an exemption from sanctions under section 1(a) for transactions for the sale of food, medicine, or medical devices to Iran or when the underlying transaction has been authorized by the Secretary of the Treasury. Executive Order 13628 of October 9, 2012 (77 FR 62139, October 12, 2012), amended E.O. 13622 by adding the sale of agricultural commodities to Iran to the list of exempt transactions in section 1(d) and by making other conforming changes to E.O. 13622.

Section 6 of E.O. 13622 provides that section 1(a) of the order, among other specified provisions, shall not apply to any person for conducting or facilitating a transaction involving a natural gas development and pipeline project initiated prior to July 31, 2012, to bring gas from Azerbaijan to Europe and Turkey, as described in section 6. Although it is not named in the section, section 6 refers to the Shah Deniz natural gas field in Azerbaijan's sector of the Caspian Sea and related pipeline projects to bring the gas from Azerbaijan to Europe and Turkey.

On August 10, 2012, the President signed into law the Iran Threat Reduction and Syria Human Rights Act of 2012 (Pub. L. 112–158) (22 U.S.C. 8701–8795) (''TRA''), which, *inter alia,* amends section 1245(d) of the NDAA. Section 503(a) of the TRA adds sales of agricultural commodities to Iran to the list of excepted transactions under section 1245(d)(2) of the NDAA, effective as if originally included in the NDAA. Section 503(b) of the TRA revises the timing of the reports on the availability and price of petroleum and petroleum products produced in countries other than Iran that, pursuant to section 1245(d)(4)(A) of the NDAA, the Administrator of the Energy Information Administration is required to submit to Congress. Beginning September 1, 2012, this report is to be submitted to Congress not later than October 25, 2012, and the last Thursday of every other month thereafter.

Section 504 of the TRA revises the types of foreign financial institutions and transactions that can be sanctioned under section 1245(d)(1) of the NDAA. Specifically, section 504(a)(1)(A) of the TRA amends the limitation on the imposition of sanctions in section 1245(d)(3) of the NDAA so that it only applies to foreign central banks and not to other government-owned or -controlled foreign financial institutions. As a result, foreign financial institutions owned or controlled by the government of a foreign country, other than central banks, are subject to sanctions under section 1245(d)(1) of the NDAA (with certain exceptions, including the sale of agricultural commodities, food, medicine and medical devices) with respect to any significant financial transaction conducted or facilitated on or after February 6, 2013, including transactions that are not for the sale or purchase of petroleum or petroleum products to or from Iran.

Section 504(a)(1)(B) of the TRA amends section 1245(d)(4)(D) of the NDAA to limit the exception from sanctions imposed pursuant to section 1245(d)(1) previously available for countries determined to have significantly reduced their crude oil purchases from Iran to certain transactions conducted or facilitated by foreign financial institutions located in significantly reducing jurisdictions. This amendment applies with respect to financial transactions conducted or facilitated on or after February 6, 2013. As amended, the exception from sanctions set forth in NDAA section 1245(d)(4)(D) applies to a financial transaction conducted or facilitated by a foreign financial institution if (1) the financial transaction is only for bilateral trade in goods or services between the country with primary jurisdiction over the foreign financial institution and Iran; and (2) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution. Furthermore, in order for this exception to apply to the financial transaction, there must be in effect a determination from the President either that the country with primary jurisdiction over the foreign financial institution has significantly reduced its crude oil purchases from Iran; or, in the case of a country that has previously received an exception under section 1245(d)(4)(D) of the NDAA, that, after receiving the exception, it has reduced its crude oil purchases from Iran to zero.

In addition, section 504 of the TRA amends section 1245(h) of the NDAA by adding a definition of the terms ''reduce significantly,'' ''significant reduction,'' and ''significantly reduced.'' The definition provides that these terms, used with respect to purchases from Iran of petroleum and petroleum products, include a reduction in such purchases in terms of price or volume toward a complete cessation of such purchases.

Today, OFAC is making a number of changes to the IFSR to implement the amendments to section 1245(d) of the NDAA made by sections 503 and 504 of the TRA, as well as to implement section 1 and related provisions of E.O. 13622. To implement section 503 of the TRA, OFAC is amending redesignated paragraph (g) (formerly paragraph (f)) of section 561.203 in Subpart B to add the sale of agricultural commodities to Iran to the list of transactions exempt from the sanctions imposed pursuant to section 561.203(a). OFAC also is amending section 561.327 in subpart C to add a definition of the term *agricultural commodities.* In addition, the Note to redesignated paragraph (h) (formerly paragraph (g)) of section 561.203 is being revised to reflect the change in the due dates of reports that the Administrator of the Energy Information Administration is required to submit to Congress, pursuant to section 1245(d)(4)(A) of the NDAA, regarding the availability and price of petroleum and petroleum products produced in countries other than Iran.

To implement section 504 of the TRA, OFAC is amending section 561.203 in subpart B by revising paragraph (d) and redesignated paragraph (f) (formerly paragraph (e)), and adding new paragraph (e), to eliminate the distinction between foreign government-owned or -controlled financial institutions (other than central banks) and privately owned financial institutions with respect to the types of transactions that would subject them to sanctions. Both types of financial institutions are now subject to sanctions under section 561.203(a) for any significant transactions knowingly conducted or facilitated with the Central Bank of Iran or other designated Iranian financial institutions, whether or not the transactions are for the sale or purchase of petroleum or petroleum products to or from Iran. The revision to redesignated paragraph (f) (formerly paragraph (e)) of section 561.203 clarifies that foreign central banks are the only institutions on which sanctions may be imposed only insofar as they engage in financial transactions for the sale or purchase of petroleum or petroleum products to or from Iran.

OFAC is revising redesignated paragraph (i) (formerly paragraph (h)) of section 561.203 to clarify that the significant reduction exception extends to countries that, having previously received a significant reduction determination, are determined to have reduced their imports of Iranian crude oil to zero during a subsequent reporting period. OFAC is adding new section 561.328 to Subpart C to define the terms

reduce significantly, significantly reduced, and *significant reduction,* used with respect to purchases from Iran of petroleum and petroleum products, as set forth in section 504(a)(2)(B) of the TRA.

In addition, OFAC is adding new paragraphs (j) and (k) to section 561.203 to implement the narrowing of the scope of the significant reduction exception, mandated by section 504(a)(1)(B) of the TRA, to cover only certain financial transactions for bilateral trade between Iran and the significantly reducing country. As set forth in new paragraphs (j) and (k) of section 561.203, the significant reduction exception is applicable to a qualifying bilateral trade transaction only if any funds owed to the country with primary jurisdiction over the foreign financial institution are paid to specified classes of payees and certain restrictions are placed on the funds owed to Iran in order to ensure that they remain in that country. Paragraph (k) of section 561.203 further specifies that funds owed to Iran from Iranian-origin exports to the country with primary jurisdiction over the foreign financial institution facilitating the transaction under the significant reduction exception may now be used only to pay for exports to Iran of goods or services that originate in that country. New Note 2 to section 561.203 explains that since transactions for the sale of agricultural commodities, food, medicine, or medical devices to Iran are not sanctionable under the section 561.203(a), the funds owed to Iran from Iranian-origin exports to the significantly reducing country may also be used to pay for the sale and export to Iran of agricultural commodities, food, medicine, or medical devices from third countries.

OFAC is adding new interpretive section 561.408 to Subpart D of the IFSR to explain what is meant by the requirement that goods or services originate in a country.

To implement section 1 of E.O. 13622, OFAC is adding new section 561.204 to Subpart B of the IFSR. Subject to certain exceptions, section 561.204 authorizes the Secretary of the Treasury to prohibit or impose strict conditions on the opening or maintaining of a correspondent account or a payable-through account in the United States by a U.S. financial institution for a foreign financial institution determined to have knowingly conducted or facilitated any significant financial transaction with NIOC, NICO, or any entity owned or controlled by, or operating for or on behalf of, NIOC or NICO, or for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran.

In addition, OFAC is adding new section 561.205 to Subpart B of the IFSR. This section sets forth the prohibition on any transaction, on or after the applicable effective date, that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions in the IFSR and on any conspiracy formed to violate any such prohibitions. Finally, OFAC is amending the IFSR to add definitions and make other technical and conforming changes.

Public Participation

Because the amendment of the IFSR involves a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the IFSR are contained in 31 CFR part 501 (the ''Reporting, Procedures and Penalties Regulations''). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 561

Administrative practice and procedure, Banks, Banking, Brokers, Foreign trade, Investments, Loans, Petrochemicals, Petroleum, Petroleum products, Securities, Iran.

For the reasons set forth in the preamble, the Department of the Treasury's Office of Foreign Assets Control amends part 561 of 31 CFR chapter V as follows:

PART 561—IRANIAN FINANCIAL SANCTIONS REGULATIONS

■ 1. The authority citation for part 561 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); Pub. L. 111–195, 124 Stat. 1312 (22 U.S.C. 8501–8551); Pub. L. 112–81, 125 Stat. 1298 (22 U.S.C. 8513a); Pub. L. 112–158, 126 Stat. 1214 (22 U.S.C. 8701–8795); E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332; E.O. 13553, 75 FR 60567, 3 CFR, 2010 Comp., p. 253; E.O. 13599, 77 FR 6659, February 8, 2012; E.O. 13622, 77 FR 45897, August 2, 2012; E.O. 13628, 77 FR 62139, October 12, 2012.

Subpart B—Prohibitions

■ 2. Amend § 561.203 by:
■ a. Revising paragraphs (a) introductory text and (d).
■ b. Redesignating paragraphs (e) through (h) as paragraphs (f) through (i) and revising redesignated paragraphs (f) through (i).
■ c. Adding new paragraphs (e), (j), and (k) and a new Note to paragraphs (j) and (k).
■ d. Redesignating the Note to § 561.203 as Note 1 to § 561.203 and revising redesignated Note 1.
■ e. Adding a new Note 2 to § 561.203.

The revisions and additions read as follows:

§ 561.203 NDAA-based sanctions on certain foreign financial institutions.

(a) *Imposition of sanctions.* Subject to the limitations, exceptions, and conditions set forth in paragraphs (d) through (k) of this section, upon a determination by the Secretary of the Treasury that a foreign financial institution has knowingly conducted or facilitated any significant financial transaction with the Central Bank of Iran or a designated Iranian financial institution, consistent with section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81) (22 U.S.C. 8513a) (the ''2012 NDAA''), as amended by the Iran Threat Reduction and Syria Human Rights Act of 2012 (Pub. L. 112–158) (22 U.S.C. 8701–8795) (the ''TRA''), the Secretary of the Treasury:

* * * * *

(d) *Privately owned foreign financial institutions.* (1) Subject to the exceptions set forth in paragraphs (g) and (i) through (k) of this section, sanctions may be imposed pursuant to paragraph (a) of this section beginning on February 29, 2012, with respect to any significant financial transaction conducted or facilitated by a privately owned foreign financial institution that is not for the purchase of petroleum or petroleum products from Iran.

(2) Subject to the exceptions and conditions set forth in paragraphs (h) through (k) of this section, sanctions may be imposed pursuant to paragraph (a) of this section with respect to any significant financial transaction conducted or facilitated by a privately owned foreign financial institution on or after June 28, 2012, for the purchase

of petroleum or petroleum products from Iran.

(e) *Government-owned or -controlled foreign financial institutions, excluding foreign central banks.* (1) Subject to the exceptions and conditions set forth in paragraphs (h) through (k) of this section, sanctions may be imposed pursuant to paragraph (a) of this section with respect to any significant financial transaction conducted or facilitated by a foreign financial institution owned or controlled by the government of a foreign country, excluding a central bank of a foreign country, on or after June 28, 2012, for the sale or purchase of petroleum or petroleum products to or from Iran.

(2) Subject to the exceptions and conditions set forth in paragraphs (g) and (i) through (k) of this section, sanctions may be imposed pursuant to paragraph (a) of this section with respect to any significant financial transaction conducted or facilitated by a foreign financial institution owned or controlled by the government of a foreign country, excluding a central bank of a foreign country, on or after February 6, 2013, that is not for the sale or purchase of petroleum or petroleum products to or from Iran.

(f) *Foreign central banks.* Subject to the exceptions and conditions set forth in paragraphs (h) through (k) of this section, sanctions may be imposed pursuant to paragraph (a) of this section on a central bank of a foreign country only insofar as it engages in a financial transaction for the sale or purchase of petroleum or petroleum products to or from Iran conducted or facilitated on or after June 28, 2012.

(g) Sanctions will not be imposed under paragraph (a) of this section with respect to any foreign financial institution for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran.

(h) The Secretary of the Treasury may impose sanctions pursuant to paragraph (a) of this section with respect to any significant financial transaction conducted or facilitated by a foreign financial institution on or after June 28, 2012, for the purchase of petroleum or petroleum products from Iran only if the President determines, not later than March 30, 2012, and every 180 days thereafter, that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in petroleum and petroleum products purchased from Iran by or through foreign financial institutions. Such successive sufficiency determinations by the President shall render subject to sanctions under paragraph (a) of this section those financial transactions conducted or facilitated by a foreign financial institution for the purchase of petroleum or petroleum products from Iran during each successive 180-day period beginning 90 days after the President's determination.

Note to paragraph (h) of § 561.203: Under Section 1245(d)(4)(B) of the 2012 NDAA, the President is to make a determination, not later than March 30, 2012, and every 180 days thereafter, of whether the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran. This determination is to be based on reports on the availability and price of petroleum and petroleum products produced in countries other than Iran that, pursuant to section 1245(d)(4)(A) of the 2012 NDAA, the Administrator of the Energy Information Administration, in consultation with the Secretary of the Treasury, the Secretary of State, and the Director of National Intelligence, was to submit to Congress beginning not later than February 29, 2012, and every 60 days thereafter. Beginning September 1, 2012, pursuant to section 1245(d)(4)(A) of the 2012 NDAA, as amended by section 503(b) of the TRA, the report of the Administrator of the Energy Information Administration is to be submitted to Congress not later than October 25, 2012, and the last Thursday of every other month thereafter.

(i) Sanctions will not be imposed under paragraph (a) of this section with respect to a financial transaction described in paragraph (j) of this section that is conducted or facilitated by a foreign financial institution if, for the 180-day period during which the financial transaction is conducted or facilitated, the Secretary of State has determined and reported to Congress:

(1) That the country with primary jurisdiction over the foreign financial institution has significantly reduced its crude oil purchases from Iran, thus qualifying for a ''significant reduction exception'' for the 180-day period during which the financial transaction is conducted or facilitated; or

(2) That the country with primary jurisdiction over the foreign financial institution has received a significant reduction exception described in this paragraph in a previous period and, after receiving the exception, has reduced its crude oil purchases from Iran to zero during a subsequent 180-day reporting period.

Note to paragraph (i) of § 561.203: The Secretary of State is to determine whether a country qualifies for the ''significant reduction exception'' and report such determination to Congress not later than 90 days after the date on which the President makes the initial determination referenced in paragraph (h) of this section, and every 180 days thereafter. Accordingly, a significant reduction exception covers a period of 180 days.

(j) A financial transaction conducted or facilitated by a foreign financial institution is described in this paragraph (j) if:

(1) The financial transaction is only for trade in goods or services that either originate in the country with primary jurisdiction over the foreign financial institution and are exported and sold directly to Iran or originate in Iran and are exported and sold directly to the country with primary jurisdiction over the foreign financial institution;

(2) Any funds owed to the country with primary jurisdiction over the foreign financial institution as a result of such trade are paid to:

(i) Individuals who are citizens, nationals, or permanent residents of the country with primary jurisdiction over the foreign financial institution; or

(ii) Entities organized under the laws of the country with primary jurisdiction over the foreign financial institution that are not the Government of Iran, as defined in § 561.321;

(3) Any funds owed to Iran as a result of such trade are subject to the terms and conditions set forth in paragraph (k) of this section; and

(4) Funds owed as a result of such trade are not credited to an account held at any financial institution whose name appears on the List of Foreign Financial Institutions Subject to Part 561 (the ''Part 561 List''), which is maintained on the Office of Foreign Assets Control's Web site (*www.treasury.gov/ofac*) on the Iran Sanctions page.

(k) In order for a transaction to qualify for the significant reduction exception from the sanctions imposed under paragraph (a) of this section described in paragraph (i), all funds owed to Iran as a result of a trade transaction described in paragraph (j)(1) of this section must be subject to the following conditions and restrictions:

(1) The funds must be credited to an account held at a foreign financial institution that conducted or facilitated the trade transaction described in paragraph (j)(1) of this section;

(2) The funds must be credited to an account held in the country with primary jurisdiction over that foreign financial institution;

(3) The funds must be credited to an account held in the name of the Central Bank of Iran, the Iranian party to the trade transaction, or an Iranian financial institution that is not a designated Iranian financial institution;

(4) Payments from the funds may be made only in the manner and to the persons specified in paragraph (k)(5) of this section for amounts owed to such persons for the direct exportation and sale to Iran of goods or services originating in the country with primary jurisdiction over the foreign financial institution holding the funds (*but see* Note 2 to § 561.203);

(5) Payments from the funds for the goods or services exported and sold to Iran, as described in paragraph (k)(4) of this section, may be made only by check payable to or to the order of, or by transfer to an account at a foreign financial institution in the country with primary jurisdiction over the foreign financial institution holding the funds that is held in the name of:

(i) Individuals who are citizens, nationals, or permanent residents of the country with primary jurisdiction over the foreign financial institution holding the funds; or

(ii) Entities that are organized under the laws of that country;

(6) The funds may not be withdrawn in cash, remitted to Iran or paid to anyone that is the *Government of Iran,* as defined in § 561.321, or credited to an account held at a financial institution whose name appears on the Part 561 List (see paragraph (j)(4) of this section); and

(7) Other than in payment for goods or services exported and sold to Iran as set forth in paragraphs (k)(4) through (k)(6) of this section, the funds may be transferred from the initial account described in paragraphs (k)(1) through (k)(3) of this section only to another account that is held at the same foreign financial institution, located in the country with primary jurisdiction over that foreign financial institution, and subject to the following conditions and restrictions:

(i) The account must be a separate, special purpose account holding only funds owed to Iran as a result of trade transactions that qualify for the significant reduction exception described in paragraph (i) of this section and that are conducted or facilitated by the foreign financial institution holding the account; and

(ii) The conditions and restrictions on the funds owed to Iran set forth in paragraphs (k)(1) through (k)(6) of this section apply in full to the account described in this paragraph, except that the account must be held only in the name of the Central Bank of Iran or an Iranian financial institution that is not a designated Iranian financial institution.

Note to paragraphs (j) and (k) of § 561.203: *See* § 561.408 for a provision interpreting the phrases goods or services originating in the country with primary jurisdiction over the foreign financial institution and goods or services originating in Iran.

Note 1 to § 561.203: The sanctions regime described in § 561.203 is separate from the sanctions regimes described in §§ 561.201 and 561.204 and applies in addition to, and independently of, the sanctions regimes imposed under §§ 561.201 and 561.204.

Note 2 to § 561.203: Paragraph (g) of this section excepts transactions for the sale of agricultural commodities, food, medicine, or medical devices to Iran from the imposition of sanctions under paragraph (a) of this section. Therefore, funds owed to Iran as a result of a trade transaction described in paragraph (j)(1) of this section may be used for the purchase and export to Iran of agricultural commodities, food, medicine, or medical devices regardless of the country from which such goods are purchased and regardless of where such goods originate, and payment from the funds for such goods may be made to exporters in countries other than the country with primary jurisdiction over the foreign financial institution holding the funds.

■ 3. Add new § 561.204 to subpart B to read as follows:

§ 561.204 Additional petroleum-related sanctions on certain foreign financial institutions.

(a) *Imposition of sanctions.* Subject to the limitations, exceptions, and conditions set forth in paragraphs (d) through (f) of this section, upon a determination by the Secretary of the Treasury that a foreign financial institution has knowingly engaged in one or more of the activities described in paragraph (b) of this section, the Secretary of the Treasury may:

(1) Prohibit U.S. financial institutions from opening a correspondent account or a payable-through account in the United States for the foreign financial institution with respect to which the determination has been made; and either

(2)(i) Prohibit U.S. financial institutions from maintaining a correspondent account or a payable-through account in the United States for the foreign financial institution with respect to which the determination has been made; or

(ii) Impose one or more strict conditions on the maintaining of any correspondent account or payable-through account that had been opened in the United States for the foreign financial institution prior to the Secretary of the Treasury's determination with respect to the foreign financial institution.

Note 1 to paragraph (a) of § 561.204: The name of any foreign financial institution with respect to which a determination has been made pursuant to this paragraph (a), along with the relevant sanctions to be imposed (prohibition(s) and/or strict condition(s)), will be added to the List of Foreign Financial Institutions Subject to Part 561 (the ''Part 561 List''), which is maintained on the Office of Foreign Assets Control's Web site (*www.treasury.gov/ofac*) on the Iran Sanctions page, and published in the **Federal Register**.

Note 2 to paragraph (a) of § 561.204: *See* § 561.203(b) for examples of strict conditions that might be imposed, pursuant to paragraph (a)(2)(ii) of this section, on the maintaining of a pre-existing correspondent account or payable-through account for a foreign financial institution with respect to which the Secretary of the Treasury's determination has been made.

(b) *Sanctionable activity.* A foreign financial institution engages in an activity described in this paragraph if it knowingly conducts or facilitates any significant financial transaction:

(1) With the National Iranian Oil Company (''NIOC''), the Naftiran Intertrade Company (''NICO''), or any entity owned or controlled by, or operating for or on behalf of, NIOC or NICO, except for a sale or provision to any of the foregoing of the products described in section 5(a)(3)(A)(i) of the Iran Sanctions Act of 1996 (Pub. L. 104–172) (50 U.S.C. 1701 note), as amended, provided that the fair market value of such products is lower than the applicable dollar threshold specified in that provision;

Note to paragraph (b)(1) of § 561.204: As of March 15, 2013, the products described in section 5(a)(3)(A)(i) of the Iran Sanctions Act of 1996 (Pub. L. 104–172) (50 U.S.C. 1701 note), as amended, are refined petroleum products, and for the fair market value of such products to be lower than the applicable dollar threshold specified in that provision the products sold or provided to NIOC, NICO, or any entity owned or controlled by, or operating for or on behalf of, NIOC or NICO, must have a fair market value of less than $1,000,000, and, during a 12-month period, an aggregate fair market value of less than $5,000,000.

(2) For the purchase or acquisition of petroleum or petroleum products from Iran; or

(3) For the purchase or acquisition of petrochemical products from Iran.

(c) *Prohibitions.* (1) A U.S. financial institution shall not open a correspondent account or payable-through account in the United States for a foreign financial institution for which the opening of such an account is prohibited pursuant to paragraph (a)(1) of this section.

(2) A U.S. financial institution shall not maintain a correspondent account or payable-through account in the United

States for a foreign financial institution for which the maintaining of such an account is prohibited pursuant to paragraph (a)(2)(i) of this section.

(3) A U.S. financial institution shall not maintain a correspondent account or payable-through account in the United States for a foreign financial institution in a manner that is inconsistent with any strict condition imposed and in effect pursuant to paragraph (a)(2)(ii) of this section.

(4) The prohibitions in paragraphs (c)(1) through (c)(3) of this section apply except to the extent transactions are authorized by regulations, orders, directives, or licenses that may be issued pursuant to this part, and notwithstanding any contracts entered into or any license or permit granted prior to the effective date of the prohibition.

(d) *Exempt activity.* Sanctions will not be imposed under paragraph (a) of this section with respect to any foreign financial institution for:

(1) Conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or when the underlying transaction has been authorized by the Office of Foreign Assets Control pursuant to any part of this chapter V; or

(2) Conducting or facilitating a transaction involving a natural gas development and pipeline project initiated prior to July 31, 2012, to bring gas from Azerbaijan to Europe and Turkey in furtherance of a production sharing agreement or license awarded by a sovereign government other than the Government of Iran before July 31, 2012.

Note to paragraph (d)(2) of § 561.204: The natural gas development and pipeline project referred to in this paragraph is the project to develop the Shah Deniz natural gas field in Azerbaijan's sector of the Caspian Sea and related pipeline projects to bring the gas from Azerbaijan to Europe and Turkey.

(e) The Secretary of the Treasury may impose sanctions pursuant to paragraph (a) of this section with respect to any significant financial transaction described in paragraphs (b)(1) and (b)(2) of this section only if the President makes the successive determinations that there is a sufficient supply of petroleum and petroleum products from countries other than Iran described in paragraph (h) of § 561.203.

(f) Sanctions will not be imposed under paragraph (a) of this section with respect to any significant financial transaction described in paragraphs (b)(1) and (b)(2) of this section that is conducted or facilitated by a foreign financial institution if:

(1) For the 180-day period during which the financial transaction is conducted or facilitated, the Secretary of State has determined and reported to Congress:

(i) That the country with primary jurisdiction over the foreign financial institution has significantly reduced its crude oil purchases from Iran, thus qualifying for the ''significant reduction exception'' for the 180-day period during which the financial transaction is conducted or facilitated; or

(ii) That the country with primary jurisdiction over the foreign financial institution has received a significant reduction exception described in this paragraph in a previous period, and, after receiving the exception, has reduced its crude oil purchases from Iran to zero during a subsequent 180-day reporting period; and

(2) The transaction satisfies the conditions and restrictions set forth in paragraphs (j) and (k) of § 561.203.

Note to paragraph (f) of § 561.204: The Secretary of State is to determine whether a country qualifies for the ''significant reduction exception'' and report such determination to Congress not later than 90 days after the date on which the President makes the initial determination referenced in paragraph (h) of this section, and every 180 days thereafter. Accordingly, a significant reduction exception covers a period of 180 days.

Note to § 561.204: The sanctions regime described in this section is separate from the sanctions regimes described in §§ 561.201 and 561.203 and applies in addition to, and independently of, the sanctions regimes imposed under §§ 561.201 and 561.203.

■ 4. Add new § 561.205 to subpart B to read as follows:

§ 561.205 Evasions; attempts; causing violations; conspiracies.

(a) Any transaction on or after the effective date that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this part is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this part is prohibited.

Subpart C—General Definitions

■ 5. Revise paragraph (a) of § 561.301 to read as follows:

§ 561.301 Effective date.

(a) The effective date of a prohibition or condition imposed pursuant to §§ 561.201, 561.203, or 561.204 on the opening or maintaining of a correspondent account or a payable-through account in the United States by a U.S. financial institution for a particular foreign financial institution is the earlier of the date the U.S. financial institution receives actual or constructive notice of such prohibition or condition.

* * * * *

■ 6. Revise § 561.318 to read as follows:

§ 561.318 Petroleum.

The term *petroleum* (also known as crude oil) means a mixture of hydrocarbons that exists in liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities.

■ 7. Amend § 561.327 by revising the section heading, redesignating paragraphs (a) through (c) as paragraphs (b) through (d), and adding new paragraph (a) to read as follows:

§ 561.327 Agricultural commodities, food, medicine, and medical devices.

(a) The term *agricultural commodities* means:

(1) Products not listed on the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement no. 1, that fall within the term ''agricultural commodity'' as defined in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602); and

(2) Products not listed on the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement no. 1, that are intended for ultimate use in Iran as:

(i) Food for humans (including raw, processed, and packaged foods; live animals; vitamins and minerals; food additives or supplements; and bottled drinking water) or animals (including animal feeds);

(ii) Seeds for food crops;

(iii) Fertilizers or organic fertilizers; or

(iv) Reproductive materials (such as live animals, fertilized eggs, embryos, and semen) for the production of food animals.

* * * * *

■ 8. Add new § 561.328 to subpart C to read as follows:

§ 561.328 Reduce significantly, significantly reduced, and significant reduction.

The terms *reduce significantly, significantly reduced,* and *significant reduction,* used with respect to purchases from Iran of petroleum and petroleum products, include a reduction in such purchases in terms of price or volume toward a complete cessation of such purchases.

■ 9. Add new § 561.329 to subpart C to read as follows:

§ 561.329 Iran.

The term *Iran* means the Government of Iran and the territory of Iran and any other territory or marine area, including the exclusive economic zone and continental shelf, over which the Government of Iran claims sovereignty, sovereign rights, or jurisdiction, provided that the Government of Iran exercises partial or total de facto control over the area or derives a benefit from economic activity in the area pursuant to international arrangements.

■ 10. Add new § 561.330 to subpart C to read as follows:

§ 561.330 Petrochemical products.

The term *petrochemical products* includes any aromatic, olefin, and synthesis gas, and any of their derivatives, including ethylene, propylene, butadiene, benzene, toluene, xylene, ammonia, methanol, and urea.

Subpart D—Interpretations

■ 11. Revise § 561.403 to read as follows:

§ 561.403 Facilitation of certain efforts, activities, or transactions by foreign financial institutions.

For purposes of §§ 561.201, 561.203, and 561.204, the term *facilitate* or *facilitated* used with respect to certain efforts, activities, or transactions refers to the provision of assistance by a foreign financial institution for those efforts, activities, or transactions, including, but not limited to, the provision of currency, financial instruments, securities, or any other transmission of value; purchasing; selling; transporting; swapping; brokering; financing; approving; guaranteeing; or the provision of other services of any kind; or the provision of personnel; or the provision of software, technology, or goods of any kind.

■ 12. Amend § 561.404 by:

■ a. Revising the introductory text.

■ b. Revising paragraph (d).

■ c. Revising the introductory text of paragraph (e).

■ d. Revising paragraph (e)(1).

The revisions read as follows:

§ 561.404 Significant transaction or transactions; significant financial services; significant financial transaction.

In determining, for purposes of paragraph (a)(5) of § 561.201, whether a transaction is significant, whether transactions are significant, or whether financial services are significant, or, for purposes of paragraph (a) of § 561.203 and paragraph (b) of § 561.204, whether a financial transaction is significant, the Secretary of the Treasury may consider the totality of the facts and circumstances. As a general matter, the Secretary may consider some or all of the following factors:

* * * * *

(d) *Nexus.* The proximity between the foreign financial institution engaging in the transaction(s) or providing the financial services and a blocked person described in paragraph (a)(5) of § 561.201, or between the foreign financial institution conducting or facilitating the financial transaction described in paragraph (a) of § 561.203 and the Central Bank of Iran or a designated Iranian financial institution, as defined in § 561.324, or between the foreign financial institution conducting or facilitating the financial transaction described in paragraph (b) of § 561.204 and the National Iranian Oil Company (''NIOC''), the Naftiran Intertrade Company (''NICO''), any entity owned or controlled by, or operating for or on behalf of, NIOC or NICO, or the activities described in paragraphs (b)(2) and (b)(3) of that section. For example, a transaction or financial service in which a foreign financial institution provides brokerage or clearing services to, or maintains an account or makes payments for, a blocked person described in paragraph (a)(5) of § 561.201, the Central Bank of Iran, a designated Iranian financial institution, NIOC, or NICO in a direct customer relationship generally would be of greater significance than a transaction or financial service a foreign financial institution conducts for or provides to a blocked person described in paragraph (a)(5) of § 561.201, the Central Bank of Iran, a designated Iranian financial institution, NIOC, or NICO indirectly or in a tertiary relationship.

(e) *Impact.* The impact of the transaction(s) or financial services on the objectives of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as amended by the Iran Threat Reduction and Syria Human Rights Act of 2012 (''TRA''), or of the financial transaction on the objectives of the National Defense Authorization Act for Fiscal Year 2012, as amended by TRA, or of the financial transaction on the objectives of Executive Order 13622 of July 30, 2012, including:

(1) The economic or other benefit conferred or attempted to be conferred on a blocked person described in paragraph (a)(5) of § 561.201, on the Central Bank of Iran or a designated Iranian financial institution, or on NIOC, NICO, any entity owned or controlled by, or operating for or on behalf of, NIOC or NICO, or any person engaged in the activities described in paragraphs (b)(2) and (b)(3) of § 561.204;

* * * * *

■ 13. Revise § 561.406 to read as follows:

§ 561.406 Country with primary jurisdiction over the foreign financial institution.

For purposes of § 561.203(i) and § 561.204(f), a country includes any jurisdiction that has its own central bank or contains a separate financial sector authority, and a foreign financial institution (including its foreign branches outside of the United States) is under a country's primary jurisdiction if the foreign financial institution is organized under the laws of the country or any jurisdiction within that country.

■ 14. Add new § 561.408 to subpart D to read as follows:

§ 561.408 Goods or services originating in a country.

(a) Goods originating in a country are goods that have been grown, produced, manufactured, extracted, or processed, and goods that have been substantially transformed, in the country.

(b) Services originating in a country are services performed in that country or services performed in the country to which the services are being exported by a citizen, national, or permanent resident of the country from which the services originate who is ordinarily resident in that country.

(c) For purposes of this part, services originating in a country do not include the brokering of transactions for the sale and exportation of goods or services not originating in that country.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 15. Amend § 561.504 by revising the introductory text of paragraph (a) to read as follows:

§ 561.504 Transactions related to closing a correspondent account or payable-through account.

(a) During the 10-day period beginning on the effective date of the prohibition in § 561.201(c), § 561.203(c)(2), or § 561.204(c)(2) on the maintaining of a correspondent account or a payable-through account for a foreign financial institution whose name is added to the Part 561 List, which is maintained on the Office of Foreign Assets Control's Web site (*www.treasury.gov/ofac*) on the Iran Sanctions page, U.S. financial institutions that maintain correspondent accounts or payable-through accounts

for the foreign financial institution are authorized to:

* * * * *

Subpart G—Penalties

■ 16. Amend § 561.701 by:
■ a. Revising paragraph (a)(1).
■ b. Adding new paragraph (a)(3).
■ c. Revising the Note to paragraph (a) of § 561.701.
■ d. Revising paragraph (b).

The revisions and additions read as follows:

§ 561.701 Penalties.

(a) *Civil Penalties.* (1) As set forth in section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Pub. L. 111–195) (22 U.S.C. 8501–8551) (''CISADA'') and section 1245(g)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81) (22 U.S.C. 8513a) (''2012 NDAA''), a civil penalty not to exceed the amount set forth in section 206(b) of the International Emergency Economic Powers Act (''IEEPA'') (50 U.S.C. 1705(b)) may be imposed on any person who violates, attempts to violate, conspires to violate, or causes a violation of any prohibition contained in § 561.201 or § 561.203 or of any order, regulation, or license set forth in or issued pursuant to this part concerning such prohibitions.

* * * * *

(3) Pursuant to section 206 of IEEPA (50 U.S.C. 1705), which is applicable to violations of the provisions of any license, ruling, regulation, order, directive, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury under IEEPA, a civil penalty not to exceed the amount set forth in section 206(b) of IEEPA may be imposed on any person who violates, attempts to violate, conspires to violate, or causes a violation of any prohibition contained in § 561.204 or of any order, regulation, or license set forth in or issued pursuant to this part concerning such prohibition.

Note to paragraph (a) of § 561.701: As of the date of publication in the **Federal Register** of the final rule amending this part to implement sections 503 and 504 of the Iran Threat Reduction and Syria Human Rights Act of 2012 and section 1 and other related provisions of Executive Order 13622 of July 30, 2012 (March 15, 2013), IEEPA provides for a maximum civil penalty not to exceed the greater of $250,000 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

(b) *Criminal Penalty.* (1) As set forth in section 104(c) of CISADA and section 1245(g)(2) of the 2012 NDAA, a person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of a violation of any prohibition contained in §§ 561.201 or 561.203 shall, upon conviction, be fined not more than $1,000,000, or if a natural person, be imprisoned for not more than 20 years, or both.

(2) Pursuant to section 206 of IEEPA (50 U.S.C. 1705), a person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of a violation of any prohibition contained in § 561.204 or of any order, regulation, or license set forth in or issued pursuant to this part concerning such prohibition may, upon conviction, be fined not more than $1,000,000, or if a natural person, be imprisoned for not more than 20 years, or both.

* * * * *

Subpart H—Procedures

■ 17. Revise § 561.802 to read as follows:

§ 561.802 Delegation by the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to subsections 104(c), (d), (h), or (i), or section 104A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Pub. L. 111–195) (22 U.S.C. 8501–8551), as amended by the Iran Threat Reduction and Syria Human Rights Act of 2012 (Pub. L. 112–158) (22 U.S.C. 8701–8795), pursuant to section 8 of Executive Order 13553 of September 28, 2010 (75 FR 60567, October 1, 2010), pursuant to section 10 of Executive Order 13599 of February 5, 2012 (77 FR 6659, February 8, 2012), pursuant to sections 1 and 12 of Executive Order 13622 of July 30, 2012 (77 FR 45897, August 2, 2012), or pursuant to section 16 of Executive Order 13628 of October 9, 2012 (77 FR 62139, October 12, 2012), and any action of the Secretary of the Treasury described in this part, may be taken by the Director of the Office of Foreign Assets Control or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

■ 18. Revise § 561.803 to read as follows:

§ 561.803 Consultations.

In implementing sections 104 and 104A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Pub. L. 111–195) (22 U.S.C. 8501–8551), as amended by the Iran Threat Reduction and Syria Human Rights Act of 2012 (Pub. L. 112–158) (22 U.S.C. 8701–8795), the Secretary of the Treasury shall consult with the Secretary of State and may, in the sole discretion of the Secretary of the Treasury, consult with such other agencies and departments and such other interested parties as the Secretary considers appropriate.

Dated: March 7, 2013.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0126]

Drawbridge Operation Regulation, Delaware Bay, Delaware River, NJ

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 Tacony-Palmyra Bridge (Route 73), across the Delaware River, mile 107.2 between the townships of Tacony, PA and Palmyra, NJ. This deviation is necessary to facilitate the replacement of the second part of the bascule span deck. This deviation will not reduce the vertical clearance of the bridge.

DATES: This deviation is effective from 9 p.m. on April 26, 2013, until 9 a.m. on May 11, 2013.

ADDRESSES: The docket for this deviation [USCG–2013–0126] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on the Open Docket Folder on the line associated with this deviation. 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 about this temporary deviation, call or email Kashanda Booker, Bridge Management Specialist, Fifth Coast Guard District, telephone (757) 398–6227, email *Kashanda.l.booker@uscg.mil.* If you have questions on reviewing the docket, call Barbara Hairston, Program Manager,

Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Burlington County Bridge Commission, who owns and operates this bascule drawbridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.5 and 117.716 to facilitate the replacement of the bascule span deck.

The Tacony-Palmyra Bridge (Route 73) at mile 107.2, across the Delaware River, between Pennsylvania and New Jersey, has a vertical clearance in the closed position to vessels of 53 feet above mean high water (MHW). At no time during this work will there be a reduction in the vertical clearance.

Under this temporary deviation, the replacement repairs will restrict the operation of the draw span every day from April 26, 2013, until May 11, 2013. Vessel openings will be provided with at least 12 hours advance notice given to the bridge operator at (856) 829–3002 or via marine radio on Channel 13.

Vessels than can pass under the bridge without a bridge opening may do so at all times. There are no alternate routes for vessels transiting this section of the Delaware River.

The Coast Guard has coordinated this deviation with the Delaware Pilots, and will inform the users of the waterways through our Local and Broadcast Notices to Mariners of the closure period for the bridge so that vessels can arrange their transits to minimize any impact 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: March 7, 2013.

Waverly W. Gregory, Jr.,

Bridge Program Manager, Fifth Coast Guard District .

[FR Doc. 2013–06026 Filed 3–14–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2013–0131]

Drawbridge Operation Regulations; Saugatuck River, Westport, CT

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulation.

SUMMARY: The United States Coast Guard has issued a temporary deviation from the regulation governing the operation of the Route 136 Bridge across the Saugatuck River, mile 1.3, at Westport, Connecticut. The deviation is necessary to facilitate emergency repairs. Under this temporary deviation, the bridge owner may require a 24 hour advance notice for bridge openings.

DATES: This deviation is effective from March 5, 2013, through May 3, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0131] is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. 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 Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, *judy.k.leung-yee@uscg.mil,* or (212) 668–7165. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Route 136 Bridge has a vertical clearance of 6 feet at mean high water in the closed position. The existing drawbridge operating regulations are found at 33 CFR 117.221(c).

The bridge owner, Connecticut Department of Transportation, requested a 24 hour advance notice requirement for bridge openings to facilitate emergency repairs to the mechanical and electrical components at the bridge.

The emergency repairs are necessary to repair storm damage from Hurricane Sandy. The bridge has been operating manually since it sustained damage from the storm.

Under this temporary deviation, at least a 24 hour advance notice shall be required for bridge openings at the Route 136 Bridge, mile 1.3, across the Saugatuck River at Westport, Connecticut, from March 5, 2013, through May 3, 2013.

The Saugatuck River is predominantly a recreational waterway. The bridge rarely opens during the time period this temporary 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 repair period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 5, 2013.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2013–06027 Filed 3–14–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0136]

Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL

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 Rock Island Railroad and Highway Drawbridge across the Upper Mississippi River, mile 482.9, at Rock Island, Illinois. The deviation is necessary to allow the Quad City Heart Walk to cross the bridge. This deviation allows the bridge to be maintained in the closed-to-navigation position for two hours.

DATES: This deviation is effective from 9 a.m. to 11 a.m. on May 18, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0136] is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. 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; telephone 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 U.S. Army Rock Island Arsenal requested a temporary deviation for the Rock Island Railroad and Highway Drawbridge, across the Upper Mississippi River, mile 482.9, at Rock Island, Illinois to remain in the closed-to-navigation position for a two hour period from 9 a.m. until 11 a.m. on May 18, 2013, while a run/walk is held between the cities of Davenport, IA and Rock Island, IL. The Rock Island Railroad and Highway 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.

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

The Rock Island Railroad and Highway Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 23.8 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary deviation has been coordinated with 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: March 1, 2013.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2013–06028 Filed 3–14–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2012–0650; FRL–9789–9]

Approval and Promulgation of Air Quality Implementation Plans; Indiana; Consent Decree Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a portion of Indiana's construction permit rule for sources subject to the state operating permit program regulations at 40 CFR part 70. These provisions authorize the state to incorporate terms from Federal consent decrees or Federal district court orders into these construction permits. EPA is also approving public notice requirements for these permit actions. These rules will help streamline the process for making Federal consent decree and Federal district court order requirements permanent and Federally enforceable.

DATES: This direct final rule will be effective May 14, 2013, unless EPA receives adverse comments by April 15, 2013. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2012–0650, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: damico.genevieve@epa.gov.*
3. *Fax:* (312) 385–5501.
4. *Mail:* Genevieve Damico, Chief, Air Permits Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Genevieve Damico, Chief, Air Permits Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2012–0650. 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 docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Sam Portanova, Environmental Engineer, at (312) 886–3189 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Sam Portanova, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3189, *portanova.sam@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is being addressed in this document?
II. What are the changes that EPA is approving?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews.

I. What is being addressed in this document?

EPA is approving 326 IAC 2–7–10.5(b) as a revision to Indiana's State Implementation Plan (SIP). This provision authorizes Indiana to issue construction permits to sources subject to the state operating permit program regulations at 40 CFR part 70 (part 70 sources) that include requirements from Federal district court orders of adjudication and Federal consent decrees. Permits incorporating these requirements are issued to sources that

are subject to Title V of the Clean Air Act (CAA). EPA is also approving 326 IAC 2–7–10.5(k), which requires public notice procedures for these permit revisions.

II. What are the changes that EPA is approving?

On August 9, 2012, the Indiana Department of Environmental Management (IDEM) submitted a SIP revision request to EPA for revisions to the State's part 70 source construction permit rules. If approved, the first revision would allow provisions from Federal district court orders of adjudication and Federal consent decrees to be incorporated into construction permits issued to sources that are subject to title V of the CAA. The SIP submittal also included a second rule revision to include public notice requirements for these permitting actions. Indiana filed these rule revisions on February 6, 2012, and they became effective on March 8, 2012.

The rule revision in 326 IAC 2–7–10.5(b) provides for the incorporation of control requirements and emission limits set forth in a Federal district court order that adjudicates violations or a Federal consent decree that is entered into for the purpose of resolving alleged violations of the following: (1) Prevention of significant deterioration provisions, (2) nonattainment new source review requirements, (3) Section 112(g) and 112(j) of the CAA, or (4) 326 IAC 20 (state rules for National Emission Standards for Hazardous Air Pollutants).

The rule revision in 326 IAC 2–7–10.5(k) requires that construction modification approval proceedings under 326 IAC 2–7–10.5 provide for adequate opportunity for public notice established in 326 IAC 2–1.1.6 and 326 IAC 2–7–17. 326 IAC 2–1.1–6 is a SIP-approved rule that contains public notice requirements for sources subject to 326 IAC Article 2. 326 IAC 2–7–17 is the portion of Indiana's Federally approved title V program that contains public notice requirements for title V sources.

EPA has not previously undertaken rulemaking on 326 IAC 2–7–10.5, but has determined that the provisions of 326 IAC 2–7–10.5(b) and (k) are severable from other sections of that rule. Therefore, this approval does not affect the SIP approval status of the other portions of this rule.

The provision in 326 IAC 2–7–10.5(b) allows IDEM to establish the provisions of Federal consent decree and Federal court orders as Federally enforceable conditions in state-issued part 70 source construction permits, which are permits issued pursuant to programs approved under title I of the CAA. Upon their inclusion in the construction permits, the consent decree and consent order provisions become ''applicable requirements'' under 40 CFR 70.2, and will become part of a source's title V permit through a title V permit modification. Once incorporated into a construction permit under 326 IAC 2–7–10.5(b), the Federal consent decree and consent order provisions will become permanently enforceable by both IDEM and EPA. It should be noted, however, that this rule does not cause these requirements to be incorporated directly into the SIP.

III. What action is EPA taking?

EPA is approving Indiana's part 70 source construction permit rule provisions at 326 IAC 2–7–10.5(b) and 326 IAC 2–7–10.5(k). We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective May 14, 2013 without further notice unless we receive relevant adverse written comments by April 15, 2013. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective May 14, 2013.

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 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.

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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 14, 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 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: March 4, 2013.

Susan Hedman,

Regional Administrator, Region 5.

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.*

■ 2. In § 52.770 the table in paragraph (c) is amended by adding a new entry in ''Article 2. Permit Review Rules'' for ''Rule 7. Part 70 Permit Program'' in numerical order to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*
Article 2. Permit Review Rules				
*	*	*	*	*
Rule 7. Part 70 Permit Program:				
2–7–10.5	Part 70 permits; source modifications	03/7/2012	3/15/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS]	(b) and (k) only.
*	*	*	*	*

[FR Doc. 2013–05955 Filed 3–14–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2009–0041, Notice No. 3]

49 CFR Part 234

RIN 2130–AC38

Systems for Telephonic Notification of Unsafe Conditions at Highway-Rail and Pathway Grade Crossings

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule; response to petition for reconsideration.

SUMMARY: This document responds to a petition for reconsideration of FRA's final rule published on June 12, 2012, mandating that certain railroads establish and maintain systems that allow members of the public to call the railroads, using a toll-free telephone number, and report an emergency or other unsafe condition at highway-rail and pathway grade crossings. This document amends and clarifies the final rule.

DATES: This final rule is effective May 14, 2013.

FOR FURTHER INFORMATION CONTACT: Beth Crawford, Transportation Specialist, Grade Crossing Safety and Trespass Prevention, Office of Safety Analysis, FRA, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590 (telephone: 202–493–6288), *beth.crawford@dot.gov;* or Sara Mahmoud-Davis, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Mail Stop 10, Washington, DC 20590 (telephone: 202–366–1118), *sara.mahmoud-davis@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

This rule implements Section 205 (Sec. 205) of the Rail Safety Improvement Act of 2008 (RSIA), Public Law 110–432, Division A, which was signed into law on October 16, 2008. Sec. 205 of the RSIA mandates that the Secretary of Transportation require certain railroad carriers (railroads) to take a series of specified actions related to setting up and using systems by which the public is able to notify the railroad by toll-free telephone number of safety problems at its highway-rail and pathway grade crossings. Such systems are commonly known as Emergency Notification Systems (ENS) or ENS programs. On March 4, 2011, FRA issued a notice of proposed rulemaking (NPRM) (76 FR 11992) that would require railroads to implement an ENS, through which they receive reports of unsafe conditions at crossings. *See* 76 FR 11992. A public hearing on the proposal was held on September 29,

2011. 76 FR 55622(Sept. 8, 2011). On June 12, 2012, following consideration of written comments received in response to the NPRM, FRA published a final rule in this rulemaking (Final Rule). *See* 77 FR 35164.

On August 9, 2012, FRA received a petition for reconsideration of the Final Rule from the Association of American Railroads (AAR) (AAR Petition or Petition). On September 25, 2012, FRA received comments on the AAR Petition from the Brotherhood of Railroad Signalmen (BRS). The specific issues raised by the AAR Petition, the comments on the Petition from BRS, and FRA's responses to the Petition and comments, are discussed in detail below in the ''Section-by-Section Analysis'' portion of the preamble. The Section-by-Section Analysis also contains a detailed discussion of each provision of the Final Rule that FRA has amended or clarified. The amendments contained in this document generally clarify or reduce requirements currently contained in the Final Rule or allow for greater flexibility in complying with the Final Rule, and are within the scope of the issues and options discussed, considered, or raised in the NPRM.

Separately, on September 24, 2012, FRA received a public submission of comments from the co-owner of the company 1–800 RR Emergency on behalf of that company. The comments were unrelated to the AAR Petition and raised a new issue. The commenter 1–800 RR Emergency had ample time to raise its concerns between the time that the NPRM was published on March 4, 2011, and the publication of the Final Rule on June 12, 2012. The comment period for the NPRM remained open until May 3, 2011. Furthermore, FRA held a public hearing on September 29, 2011, to receive oral comments in response to the NPRM. Additionally, following the publication of the Final Rule, petitions for reconsideration of the Final Rule were accepted until August 13, 2012. FRA is unable to comment on the issue raised by 1–800 RR Emergency at this late date because doing so would deny the public the opportunity to comment on the issue. If the company would like FRA to address the issue, it is welcome to file a petition for rulemaking on this subject in accordance with the provisions of 49 CFR part 211. See 49 CFR 211.7 and 211.9.

II. Section-by-Section Analysis

Amendments to 49 CFR Part 234

Subpart E—Emergency Notification Systems for Telephonic Reporting of Unsafe Conditions at Highway-Rail and Pathway Grade Crossings

Section 234.305 Remedial Actions in Response to Reports of Unsafe Conditions at Highway-Rail and Pathway Grade Crossings

AAR Petition: ''FRA Should Clarify the Effective Date for Compliance With Requirements to Respond to Reports of Unsafe Conditions''

Section 234.305 addresses the actions that a railroad must take in response to an ENS-generated report of an unsafe condition at a highway-rail or pathway grade crossing. In the Petition, AAR points out that the Final Rule does not explicitly state an effective date for this section with respect to railroads that, as of August 13, 2012, were using an ENS telephone service or a third-party ENS telephone service that did not conform to the requirements in § 234.303 or § 234.307, respectively. Compliance with the requirements in § 234.305 is dependent upon a railroad's establishment of a compliant ENS telephone service, pursuant to § 234.303 or § 234.307. Accordingly, FRA is amending the Final Rule to state expressly in § 234.317(b), ''Compliance Dates,'' that a railroad with a non-conforming ENS telephone service as of August 13, 2012, must implement an ENS that conforms to this subpart no later than March 1, 2014, subject to the exceptions in paragraphs (c), (d), and (e) of § 234.317. Additionally, FRA is amending paragraph (e) of § 234.317 to extend the deadline from September 1, 2013, to March 1, 2014, for railroads to bring their recordkeeping into compliance. Since proper recordkeeping also depends upon a railroad implementing a conforming ENS telephone service, FRA believes that the deadline for compliance with § 234.313 and § 234.315 should also be March 1, 2014. BRS did not respond to the AAR Petition on this issue.

AAR Petition: ''FRA Should Clarify the Responsibility To Respond to Obstructions on Non-Railroad Property''

Paragraph (f) of § 234.305 is the general rule on response to a report of an obstruction to the view of a pedestrian or a vehicle operator for a reasonable distance in either direction of a train's approach to the highway-rail or pathway grade crossing (*i.e.,* visual obstruction). Paragraph (g) of § 234.305 is the general rule on response to a report of other unsafe conditions at a highway-rail or pathway grade crossing not covered by other subsections of § 234.305. Paragraphs (f) and (g) of § 234.305, respectively, require the maintaining railroad either to remove an obstruction of view or to correct an unsafe condition at a highway-rail or pathway grade crossing, if it is lawful and feasible to do so.

In the Petition, AAR requests confirmation that it correctly interprets the clause ''if it is lawful and feasible to do so'' in paragraphs (f) and (g) of § 234.305 to mean that ''[t]hese mandates do not cover obstructions and unsafe conditions on non-railroad property.'' AAR explains that ''[r]ailroads * * * cannot control what takes place on property belonging to others.'' FRA confirms that the mandates in paragraphs (f) and (g) of § 234.305, respectively, only require a railroad to take action to remedy an obstruction of view or other unsafe condition on the railroad's property, to the extent that the railroad is operating within the confines of the law and such action is feasible. However, in circumstances where the property at issue does not belong to the railroad, the railroad may still be in a position to discuss the situation with the property owner, and work jointly to reach a legal agreement with the owner to remedy the condition if possible. FRA encourages such cooperation between the railroad and property owner, but it would most likely depend upon the railroad's willingness to take the initiative to attempt to resolve the situation, as well as the willingness of the property owner to work with the railroad. BRS did not respond to the AAR Petition on this issue.

Section 234.306 Multiple Dispatching or Maintaining Railroads With Respect to the Same Highway-Rail or Pathway Grade Crossing; Appointment of Responsible Railroad

AAR Petition: ''FRA Should Clarify the Compliance Deadline for Signs at Crossings Where Multiple Railroads Operate''

Section 234.306 addresses the situation of multiple railroads that dispatch trains through the same crossing, as well as the possibility that multiple railroads have maintenance responsibilities for the same crossing. In this section in the Final Rule, FRA recognizes that there are some situations where there are multiple tracks at a grade crossing where each railroad dispatches trains over its own track. Under these circumstances, FRA believes it would create confusion if

each railroad posts a sign with its own emergency telephone number. Having more than one emergency number posted at such crossings would not only be more confusing for the users of the crossing and an unnecessary cost for the multiple railroads, but also a less effective method of responding to reports of unsafe conditions.

As AAR points out in its Petition, at a single crossing, there may currently be one ENS sign displaying the emergency telephone number for one railroad and another ENS sign displaying the emergency telephone number for a different railroad. AAR requests that for crossings where multiple railroads dispatch trains through the same crossing and/or maintain the same crossing, and there are currently multiple signs at these crossings, that railroads be granted a deadline of September 1, 2017, to bring these crossings into compliance with this subpart. AAR states that since this is ''[a]n issue of taking down signs due to multiple signs being present at crossings, the lowest priority should be placed on bringing these crossings into compliance.'' FRA disagrees with AAR's assessment that bringing these crossings into compliance should be a low priority compared to other highway-rail and pathway grade crossings covered by this subpart.

There are approximately 212,000 public and private at-grade highway-rail and pathway grade crossings in the United States. FRA estimates that there are approximately 2,500 highway-rail and pathway grade crossings (*i.e.,* approximately one percent of the total number of highway-rail and pathway grade crossings) where more than one railroad dispatches trains through the crossing. As stated previously in the preamble to the Final Rule, FRA believes that having more than one emergency number posted at such crossings is confusing for the users of the crossing. Furthermore, the existence of multiple signs with different emergency numbers at the same crossing could result in miscommunication or a delay in communication of an unsafe condition to the responsible railroad, thereby stalling remedial action efforts and potentially placing users of the crossing at greater risk. BRS expressed concern, similar to that of FRA, that granting an extension for these crossings to come into compliance would result in ''[c]onfusion for the traveling public as to which railroad to contact in case of an emergency.'' Approximately one percent of all public and private highway-rail and pathway grade crossings are at issue here, and even fewer of these crossings currently have multiple ENS signs posted at them. FRA believes that the railroads that dispatch trains through these crossings and maintain these crossings have ample time to comply with the March 1, 2014, deadline in amended paragraph (b) of § 234.317 for railroads with nonconforming ENS telephone service.

Section 234.311 ENS Sign Placement and Maintenance

AAR Petition: ''FRA Should Delete the Requirement To Place a Sign at Private Industrial Facilities''

Section 234.311(a)(1) requires a sign of the type specified by § 234.309 to be placed and maintained on each approach to a highway-rail and pathway grade crossing with certain exceptions. The maintaining railroad for the crossing would be responsible for the proper placement and maintenance of the sign. The dispatching railroad for the crossing would be responsible for providing the telephone number that should be displayed on the sign to the maintaining railroad, if the two are not the same railroad.

Paragraph (a)(2)(ii) of § 234.311 permits an exception, requiring a railroad to only place and maintain one sign at each vehicular entrance to a railroad yard, a port or dock facility, or a private industrial facility that does not meet the definition of a ''plant railroad'' in § 234.5, rather than placing and maintaining signs at each approach to a crossing within the yard, port or dock facility, or private industrial facility. In the Petition, AAR contends that with respect to private industrial facilities this requirement is ''impractical'' because these entrances are not on railroad property, and thus the railroad lacks the authority to carry out such a requirement. Additionally, AAR points out that typically a railroad does not have dispatching responsibility for a crossing inside a private industrial facility, so this subpart would not even apply under such circumstances.

In considering the AAR Petition, FRA has decided to amend the requirement in paragraph (a)(2)(ii) of § 234.311 to require a railroad only to place and maintain one sign at each vehicular entrance to a railroad yard, or a port or dock facility, eliminating the requirement as it pertains to private industrial facilities. BRS commented that it is concerned for the safety of vehicular and pedestrian traffic inside of these private industrial facilities. FRA shares similar concerns, but as stated previously in the preamble to the Final Rule, trains typically operate in these facilities at very low speed, and thus the hazards of a collision are reduced. Additionally, FRA agrees with AAR that the railroad does not own the property at the entrances to private industrial facilities, nor does a railroad own the track inside of these facilities. Consequently, it is not practical to require a railroad to place and maintain ENS signs in these locations on rights-of-way that it does not own. Furthermore, such a requirement is outside of the scope of Sec. 205 of the RSIA, which mandates that FRA require each railroad to ''ensure the placement at each grade crossing on *rights-of-way that it owns of appropriately located signs.''*

AAR Petition: ''FRA Should Address Missing and Damaged Signs''

In the Final Rule, this subpart does not address the issue of missing and damaged ENS signs at highway-rail and pathway grade crossings. In the Petition, AAR contends that a railroad should not be held responsible for ENS signs that are missing or damaged when the railroad is unaware of the problem or had insufficient time to remedy the situation. Consequently, AAR requests that FRA amend the Final Rule to add a provision that grants a railroad 30 days from first learning of the problem with an ENS sign to repair or replace the sign. FRA understands AAR's concern that the repair or replacement of an ENS sign takes some time, particularly because an ENS sign is specific to each crossing, by identifying the U.S. DOT National Crossing Inventory number for that crossing. BRS in its comments also agrees with AAR that it takes time to replace a damaged or missing ENS sign, but notes that a railroad should be inspecting its ENS signs on a regular basis.

Pursuant to FRA regulations, a railroad is required to routinely inspect its grade crossing signal systems, as well as its tracks, and it is during such inspections that it most likely would learn of a problem with an ENS sign at a crossing. FRA did not intend in the Final Rule to implement a strict liability standard for missing and damaged ENS signs. Accordingly, FRA has decided to amend the Final Rule to add paragraph (c), ''Repair or replacement of ENS sign,'' to § 234.311. This new paragraph states that ''If an ENS sign required by this subpart is discovered by the responsible railroad to be missing, damaged, or in any other way unusable to vehicular or pedestrian traffic, the responsible railroad shall repair or replace the sign no later than 30 calendar days from the time of detection.'' Additionally, as BRS notes in its response to the AAR Petition, 49

CFR 234.245 (a provision of 49 CFR part 234, subpart D, Maintenance, Inspection, and Testing) already has a separate requirement that signs mounted on a highway-rail grade crossing signal post be maintained in ''good condition and be visible to a highway user.''

Section 234.317 Compliance Dates

AAR Petition: ''The Grandfathering Clause is too Narrow''

Section 234.317 provides the date by which each of various groups of railroads must comply with this subpart. As explained above in the discussion of § 234.305, in response to the AAR Petition, FRA has decided to amend paragraph (b) of § 234.317. The revised paragraph (b) grants a railroad with a nonconforming ENS telephone service until March 1, 2014, to comply with this subpart, subject to the exceptions in paragraphs (c), (d), and (e) of § 234.317.

In the Petition, AAR states that the dimensional requirements in paragraph (c)(1)(i) of § 234.317 exclude approximately 33,000 ENS signs already in place at highway-rail and pathway grade crossings through which Canadian Pacific (CP), CSX Transportation (CSXT), and Union Pacific Railroad (UP) dispatch trains. Specifically, for these signs currently in use by CP, CSXT, and UP, the lettering on the signs that explains the purpose of the sign (*e.g.,* ''Report emergency or problem to ___'') is smaller than the minimum ¾-inch height mandated by paragraph (c)(1)(i). AAR requests that FRA amend paragraph (c)(1)(i) of § 234.317 so that these signs may continue to be used for the remainder of their useful life. Furthermore, AAR explains in the Petition that replacement of these ENS signs by CP, CSXT, and UP is estimated to cost a total of approximately $3.7 million. BRS contends that this is an inflated cost estimate because the crossings where these signs are located are likely visited on a routine basis for testing purposes, which would reduce the labor costs associated with replacing the signs. BRS also expresses concern that smaller lettering on the ENS sign might compromise the safety of vehicular traffic, by requiring the operator or passenger to exit the vehicle to read the sign.

All three railroads—CP, CSXT, and UP—supplemented the AAR Petition by submitting to FRA the actual grade crossing signs at issue. Additionally, in a letter sent to FRA dated August 29, 2012, CSXT explained that beginning in 2010 it installed approximately 10,000 ENS signs at its grade crossings that meet all the dimensional requirements of paragraph (c)(1)(i) except for the lettering requirement for the words that explain the purpose of the sign. In a letter sent to FRA dated September 7, 2012, CP explained that its decal sign is applied to an aluminum sheet before being installed on the cross buck posts at passive at-grade crossings, and at active at-grade crossings the decal is applied directly to the signal mast. CP also indicated that the sign at issue here is currently in use on territories trading as CP that are or were once part of the Soo Line Railroad Company and Milwaukee Road Railroad in the States of Illinois, Minnesota, North Dakota, South Dakota, and Wisconsin. However, CP does not use this sign on its Dakota, Minnesota & Eastern Railroad Corporation or the Delaware & Hudson Railway Co., Inc. territories.

In the Petition, AAR suggests that FRA eliminate the minimum height requirement for the lettering on the sign that explains the purpose of the sign, or alternatively suggests that FRA permit a ⅜-inch minimum letter height for these words. In preparation of the Final Rule, FRA conducted extensive research on the size and lettering requirements for highway signs, consulting the Manual on Uniform Traffic Control Devices (MUTCD) and independently surveying ENS signs that are currently in place at crossings throughout the country. After careful consideration of the AAR Petition and the supplemental information and signs provided to FRA by CP, CSXT, and UP, FRA has decided to amend paragraph (c)(1)(i) to allow for a minimum height of ⅜ inch for the lettering that explains the purpose of the ENS sign. FRA does not believe that this change will adversely impact the safety of a vehicular operator or passenger. FRA also has made a parallel modification to paragraph (c)(1)(ii) to distinguish the various letter-height requirements for the information displayed on the ENS sign.

III. Regulatory Impact

A. Executive Orders 12866 and 13563 and DOT Regulatory Policies and Procedures

Prior to issuing the Final Rule, FRA prepared and placed in the docket a regulatory evaluation addressing the economic impact of the Final Rule. The rule was evaluated in accordance with existing policies and procedures and determined to be non-significant under both Executive Orders 12866 and 13563 and DOT policies and procedures. *See* 44 FR 11034; February 26, 1979. The present final rule and response to the AAR Petition is likewise considered to be non-significant under both Executive Orders 12866 and 13563 and DOT policies and procedures. This regulatory action generally clarifies, reduces, or makes technical amendments to the requirements contained in the Final Rule and allows for greater flexibility in complying with the Final Rule as amended.

These amendments and clarifications respond to the AAR Petition and will provide greater flexibility in the implementation of the Final Rule as amended. In particular, FRA has amended the Final Rule to eliminate the requirement in § 234.311(a)(2)(ii) to post ENS signs at each vehicular entrance to a private industrial facility, which will reduce some costs. FRA also has amended the Final Rule by adding paragraph (c) to § 234.311, to permit a railroad to replace or repair an ENS sign within 30 calendar days from the time that the railroad discovers that the sign is missing or damaged. This was in response to the AAR Petition and comments from BRS. Generally, railroads currently replace or repair signs within this timeframe; therefore, this will not increase the burden on the railroads that currently have compliant signs. However, for railroads required to install new signs due to this final rule, the estimated replacement cost is $76,553 [1] annually or $1,071,735 over the 15-year period with a present value (7%) of approximately $625,689. Additionally, FRA has amended § 234.317(c)(1)(i) in the Final Rule to allow for a minimum height of ⅜ inch for the lettering that explains the purpose of the ENS sign, permitting an estimated 33,000 signs currently in place to be used for the remainder of their useful life. This change reduced the costs by approximately $918,035 [2] with a present value (7%) of approximately $712,849. In the Final Rule cost estimates, FRA had inadvertently assumed that these 33,000 signs would have been allowed under the requirements in the Final Rule, even though, the signs actually would not have been allowed for their useful life under the Final Rule requirements. With the new lettering size requirements in the amendments to the Final Rule, these signs are now permitted to be used for their useful life. Thus the estimated costs in the Final Rule's regulatory evaluation reflected the requirements as

[1] Calculation: 3,000 signs per year * [($15 per sign) + (.25 installation labor hours per sign * $42.07 per hour)] = $76,553.

[2] Calculation: 33,000 signs * [($15 per sign) + (.25 installation labor hours per sign * $42.07 per hour) + (5% of signs needing posts * $25 per post) + (5% of signs needing posts * .5 installation labor hours per post * $42.07 per hour)] = $918,035.

modified in these amendments. In summary, FRA has concluded that these amendments will reduce the costs, but will have a minimal net effect on FRA's original estimate of the benefits associated with the Final Rule. For the 15-year period analyzed, the estimated quantified cost that will be imposed on railroads by the Final Rule as amended by this action totals $16.6 million, with a present value (PV, 7 percent) of $10.7 million. FRA estimates that $57.8 million in cost savings will accrue through casualty prevention and damage avoidance over the 15-year period, justifying the cost. The discounted value of this is $31.7 million (PV, 7 percent).

B. Regulatory Flexibility Act and Executive Order 13272

To ensure potential impacts of rules on small entities are properly considered, FRA developed this action and the original Final Rule in accordance with Executive Order 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') and DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), FRA certifies that this action would not have a significant economic impact on a substantial number of small entities.

''Small entity'' is defined in 5 U.S.C. 601 (Section 601). Section 601(3) defines the term ''small entity'' as having the same meaning as ''small business concern'' under Section 3 of the Small Business Act. This includes any small business concern that is independently owned and operated, and is not dominant in its field of operation. Section 601(4) likewise includes within the definition of ''small entity'' a not-for-profit enterprise that is independently owned and operated, and not dominant in its field of operations.

The U.S. Small Business Administration (SBA) stipulates in its ''Size Standards'' that the largest a railroad business firm that is ''for-profit'' may be, and still be classified as a ''small entity,'' is 1,500 employees for ''Line Haul Operating Railroads'' and 500 employees for ''Switching and Terminal Establishments.'' *See* ''Size Eligibility Provisions and Standards,'' 13 CFR part 121, subpart A.

Federal agencies may adopt their own size standards for small entities in consultation with SBA, and in conjunction with public comment. Pursuant to the authority provided to it by SBA, FRA has published a final policy, which formally establishes small entities as railroads that meet the line haulage revenue requirements of a Class III railroad. *See* 68 FR 24891 (May 9, 2003), codified at Appendix C to 49 CFR part 209. Currently, the revenue requirements are $20 million or less in annual operating revenue, adjusted annually for inflation. The $20 million limit (adjusted annually for inflation) is based on the STB's threshold for a Class III railroad, which is adjusted by applying the railroad revenue deflator adjustment. For further information on the calculation of the specific dollar limit, *see* 49 CFR part 1201. FRA is using the STB's threshold in its definition of ''small entities'' for this rule.

The amendments contained in this action may have a minimal, if any, impact on small entities. FRA expects that any impact these amendments do have on small entities would be positive because they generally clarify or reduce the requirements contained in the Final Rule or allow for greater flexibility in complying with the Final Rule as amended. Accordingly, FRA has concluded that there are no substantial economic impacts on small entities resulting from this action.

C. Federalism

Executive Order 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999), requires FRA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' are defined in the Executive Order to include regulations that have ''substantial direct effects 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.'' Under Executive Order 13132, the agency may not issue a regulation with federalism implications that imposes substantial direct compliance costs and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, the agency consults with State and local governments, or the agency consults with State and local government officials early in the process of developing the regulation. Where a regulation has federalism implications and preempts State law, the agency seeks to consult with State and local officials in the process of developing the regulation.

As stated in the preamble to this final rule, FRA has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 13132. Accordingly, FRA has determined that this final rule has no federalism implications, other than the possible preemption of State laws under Federal railroad safety statutes, specifically 49 U.S.C. 20106. *See* 76 FR 18083. This final rule and response to the AAR Petition generally clarifies or reduces the requirements contained in the rule or allows for greater flexibility in complying with the rule.

D. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards. This rulemaking is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

E. Paperwork Reduction Act

Paperwork Statement—Emergency Notification System

The information collection requirements in this final rule and response to the AAR Petition are being submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* The sections of the final rule that contain the new information collection requirements and the estimated time to fulfill each requirement are as follows:

CFR Section/subject	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
234.303(b): Receipt by Dispatching RR of Report of Unsafe Condition at Highway-Rail Grade Crossing	594 railroads	63,891 reports	1 minute	1,065
234.303(d): Receipt by Dispatching RR of Report of Unsafe Condition at Pathway Grade Crossing	594 railroads	1,860 reports/1,860 records	1 minute + 1 minute	62
234.305(a)(2): Immediate Contact by Dispatching RR Not Having Maintenance Responsibility of All Trains Authorized to Operate through That Crossing in Response to Credible Report of Warning System Malfunction at Highway-Rail Grade Crossing	594 railroads	465 contacts	1 minute	8
(a)(2) Contact of Crossing Maintenance RR by Dispatching RR Not Having Maintenance Responsibility in Response to Credible Report of Warning System Malfunction at Highway-Rail Grade Crossing.	594 railroads	465 contacts + 465 records	1 minute + 1 minute	16
(b)(1) In Response to Public Report of Warning System Malfunction at Highway-Rail Grade Crossing Immediate Contact by Dispatching RR Having Maintenance Duty for Crossing of All Trains Authorized to Operate Through That Crossing.	594 railroads	925 contacts + 925 records	1 minute + 1 minute	30
Dispatching RR Having Maintenance Duty for Crossing Contact of Appropriate Law Enforcement Authority with Necessary Information regarding Reported Malfunction.	594 railroads	925 contacts	1 minute	15
234.305(b)(2) In Response to Public Report of Warning System Malfunction at Highway-Rail Grade Crossing Immediate Contact by Dispatching RR Not Having Maintenance Duty for that Crossing of All Trains Authorized to Operate Through That Crossing.	594 railroads	920 contacts	1 minute	15
Dispatching RR Contact of Law Enforcement Authority to Direct Traffic/Maintain Safety.	594 railroads	920 contacts	1 minute	15
Dispatching RR Contact of Maintaining RR re: Reported Malfunction and Maintaining RR Record of Unsafe Condition.	594 railroads	920 contacts + 920 records	1 minute + 1 minute	30

CFR Section/subject	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
234.305(c)(1): In Response to Report of Warning System Failure at Pathway Grade Crossing Dispatching RR Having Maintenance Duty Contact of All Trains Authorized to Operate Thru It & Record of Unsafe Condition	594 railroads	2 contacts + 2 records	1 minute + 1 minute	.06666
In Response to Report of Warning System Failure at Pathway Grade Crossing Dispatching RR Having Maintenance Duty Contact of Law Enforcement Agencies to Direct Traffic & Maintain Safety.	594 railroads	2 contacts	1 minute	.03333
234.305(d)(1) Upon Receiving Report of Disabled Vehicle or Other Obstruction Dispatching RR Having Maintenance Duty Contact of All Trains Authorized to Operate Through Highway-Rail or Pathway Grade Crossing & Record of Unsafe Condition.	594 railroads	7,440 contact + 7,440 rcds	1 minute + 1 minute	248
Dispatching RR Having Maintenance Duty Contact of Law Enforcement Authority Upon Receiving Report of Disabled Vehicle or Other Obstruction.	594 railroads	7,440 contacts	1 minute	124
(d)(2) Dispatching RR Not Having Maintenance Duty Contact of All Trains Authorized to Operate through Highway-Rail or Pathway Grade Crossing After Report of Disabled Vehicle or Other Unsafe Condition.	594 railroads	2,556 contacts	1 minute	43
Dispatching RR Not Having Maintenance Responsibility Contact of Law Enforcement Authority regarding Disabled Vehicle/Unsafe Condition.	594 railroads	2,556 contacts	1 minute	43
Dispatching RR Contact of Maintaining RR regarding Unsafe Condition at Crossing & Record of Unsafe Condition.	594 railroads	2,556 contacts + 2,556 records.	1 minute + 1 minute	86
234.305(h): Provision of Contact Information by Maintaining RR to Dispatching RR in Order to Be Contacted regarding Reports of Unsafe Conditions at Highway-Rail and Pathway Grade Crossings	594 railroads	10 info. contacts	1 minute	.1667

CFR Section/subject	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
234.306(a): Appointment of One Dispatching RR as Primary Dispatching RR Where Multiple RRs Dispatch Trains through Same Highway-Rail or Pathway Grade Crossing to Provide Info. for ENS Sign	594 railroads	50 appointments & records	60 minutes	50
(b): Appointment of One Maintaining RR As Primary Maintaining RR Where Multiple RRs Maintain Same Highway-Rail or Pathway Grade Crossing for Placement and Maintenance of ENS Sign.	594 railroads	50 appointments & records	60 minutes	50
234.307(b): 3rd Party Telephone Service Report of Unsafe Conditions at Highway-Rail or Pathway Grade Crossings to Maintaining Railroad and Maintaining RR Record of Unsafe Condition	594 railroads	50 reports + 50 records	1 minute + 1 minute	2
(c)—3rd Party Telephone Service Report to Dispatching RR of Unsafe Condition.	594 railroads	50 reports	1 minute	1
(d)(1)—Provision of Contact Information to 3rd Party Telephone Service by Dispatching RR or Maintaining RR Using That Service to Receive Reports of Unsafe Conditions at Highway-Rail or Pathway Grade Crossings.	594 railroads	17 contact calls	15 minutes	4
(d)(2):—Written Notice to FRA by Railroad of Intent to Use 3rd Party Svc..	594 railroads	17 letters	60 minutes	17
(d)(3)—Railroad Written Notification to FRA of Any Changes in Use or Discontinuance of 3rd Party Service.	594 railroads	5 letters	60 minutes	5
234.309(a): ENS Signs—General				
Provision of ENS Telephone Number to Maintaining RR by Dispatching RR If Two RRs Are Not the Same.	594 railroads	81,948 signs	30 minutes	40,974
(b) ENS Signs Located at Highway-Rail or Pathway Grade Crossings as required by § 234.311 with Necessary Information to Receive Reports Required under § 234.303.	594 railroads	10 contacts	30 minutes	5
234.311(c): Repair or replacement of ENS Signs after discovery by responsible railroad of a missing, damaged, or otherwise unusable/illegible sign to vehicular/pedestrian traffic (New)	594 railroads	4,000 signs	15 minutes	1,000
234.313: Recordkeeping				

CFR Section/subject	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Records of Reported Unsafe Conditions Pursuant to § 234.303.	594 railroads	186,000 records	4 minutes	12,400

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information. For information or a copy of the paperwork package submitted to OMB, contact Mr. Robert Brogan at 202–493–6292 or Ms. Kimberly Toone at 202–493–6132 or via email at the following addresses: *Robert.Brogan@dot.gov; Kimberly.Toone@dot.gov*.

Organizations and individuals desiring to submit comments on the collection of information requirements should direct them to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov*

OMB is required to make a decision concerning the collection of information requirements contained in this final rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

FRA is not permitted to impose a penalty on persons for violating information collection requirements which do not display a current OMB control number, if required. FRA intends to obtain current OMB control numbers for any new information collection requirements resulting from this rulemaking action prior to the effective date of this final rule. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**.

F. Environmental Assessment

FRA has evaluated the present final rule in accordance with its ''Procedures for Considering Environmental Impacts'' (FRA's Procedures) (64 FR 28545, May 26, 1999) as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), other environmental statutes, Executive Orders, and related regulatory requirements. FRA has determined that this final rule is not a major FRA action (requiring the preparation of an environmental impact statement or environmental assessment) because it is categorically excluded from detailed environmental review pursuant to section 4(c)(20) of FRA's Procedures. (*See* 64 FR 28547, May 26, 1999.) Section 4(c)(20) reads as follows: ''Actions categorically excluded. Certain classes of FRA actions have been determined to be categorically excluded from the requirements of these Procedures as they do not individually or cumulatively have a significant effect on the human environment. * * * The following classes of FRA actions are categorically excluded: * * * Promulgation of railroad safety rules and policy statements that do not result in significantly increased emissions or air or water pollutants or noise or increased traffic congestion in any mode of transportation.''

In accordance with section 4(c) and (e) of FRA's Procedures, the agency has further concluded that no extraordinary circumstances exist with respect to this regulation that might trigger the need for a more detailed environmental review. As a result, FRA finds that this final rule is not a major Federal action significantly affecting the quality of the human environment.

G. Unfunded Mandates Reform Act of 1995

Pursuant to Section 201 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1531), each Federal agency ''shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).'' Section 202 of the Act (2 U.S.C. 1532) further requires that ''before promulgating any general notice of proposed rulemaking that is likely to result in the promulgation of any rule that includes any Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) [$140,800,000 or more in 2010] in any one year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement'' detailing the effect on State, local, and tribal governments and the private sector. This final rule and response to the AAR Petition will not result in the expenditure, in the aggregate, of more than $140,800,000 or more in any one year, and thus preparation of such a statement is not required.

H. Energy Impact

Executive Order 13211 requires Federal agencies to prepare a Statement of Energy Effects for any ''significant energy action.'' 66 FR 28355 (May 22, 2001). Under the Executive Order, a ''significant energy action'' is defined as any action by an agency (normally published in the **Federal Register**) that promulgates, or is expected to lead to the promulgation of, a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking: (1)(i) That is a significant regulatory action under Executive Order 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. FRA has evaluated this final rule and response to the AAR Petition in accordance with Executive Order 13211. FRA has determined that this final rule will not have a significant adverse effect on the supply, distribution, or use of energy. Consequently, FRA has determined that this regulatory action is not a ''significant energy action'' within the meaning of Executive Order 13211.

I. Privacy Act Statement

Interested parties should be aware that anyone is able to search the electronic form of all comments received into any agency docket 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78), or you may visit *http://www.regulations.gov.*

List of Subjects in 49 CFR Part 234

Highway safety, Penalties, Railroad safety, and Reporting and recordkeeping requirements, State and local governments.

The Final Rule

In consideration of the foregoing, FRA amends part 234 of chapter II, subtitle B of title 49, Code of Federal Regulations, as follows:

PART 234—GRADE CROSSING SAFETY, INCLUDING SIGNAL SYSTEMS, STATE ACTION PLANS, AND EMERGENCY NOTIFICATION SYSTEMS

■ 1. The authority citation for part 234 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20152, 21301, 21304, 21311, 22501 note; Pub. L. 110–432, Div. A, Secs. 202, 205; 28 U.S.C. 2461, note; and 49 CFR 1.89.

■ 2. Section 234.311 is amended by revising paragraph (a)(2)(ii) and adding paragraph (c), to read as follows:

§ 234.311 ENS sign placement and maintenance.

(a) * * *

(2) * * *

(ii) At a railroad yard, or a port or dock facility that does not meet the definition of ''plant railroad'' in § 234.5, the responsible railroad shall place and maintain a minimum of one sign at each vehicular entrance to the yard, or the port or dock facility in accordance with § 234.309, in lieu of placing signs at each crossing within the yard, or the port or dock facility. Each sign must be placed so that it is clearly visible to a driver of a motor vehicle located at the vehicular entrance to the yard, or the port or dock facility.

* * * * *

(c) *Repair or replacement of ENS sign.* If an ENS sign required by this subpart is discovered by the responsible railroad to be missing, damaged, or in any other way unusable to vehicular or pedestrian traffic, the responsible railroad shall repair or replace the sign no later than 30 calendar days from the time of detection.

■ 3. Section 234.317 is amended by revising paragraphs (b), (c)(1)(i) and (ii), and (e) to read as follows:

§ 234.317 Compliance dates.

* * * * *

(b) *Railroads with nonconforming ENS telephone service.* If a railroad subject to this subpart already has its own ENS telephone service or is using a third-party ENS telephone service, and that telephone service does not conform to the requirements in § 234.303 or § 234.307, respectively, on August 13, 2012, the railroad shall comply with this subpart no later than March 1, 2014, pursuant to the exceptions in paragraphs (c), (d), and (e) of § 234.317.

(c) * * *

(1) * * *

(i) If the railroad's sign size is greater than or equal to 60 square inches and the height of the lettering on the sign is greater than or equal to ¾ inch for the information required in § 234.309(b)(1) and (b)(3), and greater than or equal to ⅜ inch for the information required in § 234.309(b)(2) on August 13, 2012, the railroad may maintain the sign for its useful life.

(ii) If the railroad's sign size is greater than or equal to 60 square inches but the height of the lettering is either less than ¾ inch for the information required in § 234.309(b)(1) and (b)(3), or less than ⅜ inch for the information required in § 234.309(b)(2) on August 13, 2012, the railroad's sign must conform to § 234.309 no later than September 1, 2017.

* * * * *

(e) *Railroads with nonconforming ENS recordkeeping.* If a railroad subject to this subpart already conducts recordkeeping as part of its ENS, and that recordkeeping does not conform to § 234.313 or § 234.315, the railroad's recordkeeping shall conform to § 234.313 or § 234.315 no later than March 1, 2014.

Issued in Washington, DC, on March 11, 2013.

Joseph C. Szabo,

Administrator, Federal Railroad Administration.

[FR Doc. 2013–06083 Filed 3–14–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 130123063–3207–02]

RIN 0648–BC75

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Final rule.

SUMMARY: The Assistant Administrator (AA) for Fisheries, National Oceanic and Atmospheric Administration (NOAA), on behalf of the International Pacific Halibut Commission (IPHC), publishes annual management measures promulgated as regulations by the IPHC and approved by the Secretary of State governing the Pacific halibut fishery. The AA also announces approval of the Area 2A (waters off the U.S. West Coast) Catch Sharing Plan (CSP), with modifications recommended by the Pacific Fishery Management Council (PFMC), along with implementing regulations for 2013, and provides notice of the guideline harvest levels (GHLs) for Areas 2C and 3A. These actions are intended to enhance the conservation of Pacific halibut and further the goals and objectives of the Pacific Fishery Management Council (PFMC) and the North Pacific Fishery Management Council (NPFMC) (Councils).

DATES: This rule is effective April 15, 2013. The IPHC's 2013 annual management measures are effective March 15, 2013, except for the measures in section 26, which are effective April 15, 2013. The 2013 management measures are effective until superseded.

ADDRESSES: Additional requests for information regarding this action may be obtained by contacting the International Pacific Halibut Commission, 2320 W. Commodore Way Suite 300, Seattle, WA 98199–1287; or Sustainable Fisheries Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian, Records Officer; or Sustainable Fisheries Division, NMFS Northwest Region, 7600 Sand Point Way NE., Seattle, WA 98115. This final rule also is accessible via the Internet at the Federal eRulemaking portal at *http://www.regulations.gov*. Electronic copies of the Final Regulatory Flexibility Analysis (FRFA) prepared for this action may be obtained from *http://www.regulations.gov* or from the Northwest Region Web site at *http://www.nwr.noaa.gov/*.

FOR FURTHER INFORMATION CONTACT: For waters off Alaska, Glenn Merrill, 907–586–7228, email at *glenn.merrill@noaa.gov;* or Julie Scheurer, 907–586–7228, email at *julie.scheurer@noaa.govmailto:* or, for waters off the U.S. West Coast, Sarah Williams, 206–526–4646, email at *sarah.williams@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The IPHC has promulgated regulations governing the Pacific halibut fishery in 2013, pursuant to the Convention between Canada and the United States for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979).

As provided by the Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773b, the Secretary of State, with the concurrence of the Secretary of Commerce (Secretary), may accept or reject, on behalf of the United States, recommendations made by the IPHC in accordance with the Convention (Halibut Act, Sections 773–773k.). The Secretary of State of the United States, with the concurrence of the Secretary, accepted the 2013 IPHC regulations as provided by the Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773–773k.

The Halibut Act provides the Secretary with the authority and general responsibility to carry out the requirements of the Convention and the Halibut Act. The Regional Fishery Management Councils may develop, and the Secretary may implement, regulations governing harvesting privileges among U.S. fishermen in U.S. waters that are in addition to, and not in conflict with, approved IPHC regulations. The NPFMC has exercised this authority most notably in developing a suite of halibut management programs that correspond to the three fisheries that harvest halibut in Alaska: The subsistence, sport, and commercial fisheries.

Subsistence and sport halibut fishery regulations are codified at 50 CFR part 300. Commercial halibut fisheries in Alaska operate within the Individual Fishing Quota (IFQ) Program and Community Development Quota (CDQ) Program (50 CFR part 679), and through area-specific catch sharing plans. Regulations for a commercial and sport fishery Halibut CSP in Areas 2C and 3A are being developed pursuant to the NPFMC authority under the Halibut Act. NMFS intends to publish proposed regulations to implement the CSP in 2013. Following review of public comments received on the proposed rule, NMFS will prepare a final rule to implement the CSP. If the final rule is approved, the Area 2C and Area 3A CSP could be implemented for the 2014 halibut fishing season.

The PFMC also exercises authority in a CSP allocating halibut among groups of fishermen in Area 2A, which is off the coasts of Washington, Oregon, and California. The CSP allocates the Area 2A catch limit among treaty Indian and non-Indian commercial and sport harvesters. The treaty Indian group includes tribal commercial, tribal ceremonial, and subsistence fisheries. In 1995, NMFS implemented the long-term catch sharing plan recommended by the PFMC (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 CSP have been made to adjust for the changing needs of the fisheries, in accordance with 50 CFR 300.62; these revisions are not codified. NMFS implements the CSP allocations through annual regulations for Area 2A. The proposed rule describing the changes the Council recommended to the CSP and resulting proposed Area 2A regulations for 2013 was published on February 11, 2013 (78 FR 9660). The final Area 2A regulations are in addition to the IPHC's annual management measures (see paragraph 26 of regulations included below). These management measures are superseded each year by new implementing regulations.

The NPFMC implemented a CSP among commercial IFQ and CDQ halibut fisheries in IPHC Areas 4C, 4D and 4E (Area 4) through rulemaking, and the Secretary approved the plan on March 20, 1996 (61 FR 11337). The Area 4 CSP regulations were codified at 50 CFR 300.65, and were amended on March 17, 1998 (63 FR 13000). New annual regulations pertaining to the Area 4 CSP also may be implemented through IPHC review and recommendation for Secretarial review.

This final rule announces that the U.S. Secretary of State has accepted the annual management measures recommended by the IPHC, adopts Area 2A regulations implementing the Area 2A CSP and supporting annual management measures recommended by IPHC, announces the adoption of the Area 2A CSP with modifications recommended by the PFMC, announces the GHLs for Areas 2C and 3A, and makes minor changes to the codified halibut regulations.

Pursuant to regulations at 50 CFR 300.62, the approved IPHC regulations setting forth the 2013 IPHC annual management measures are published in the **Federal Register** to provide notice of their immediate regulatory effect, and to inform persons subject to the regulations of the restrictions and requirements. Because NMFS publishes the regulations applicable to the entire IPHC-managed area, these regulations include some provisions relating to and affecting Canadian fishing and fisheries. NMFS could implement more restrictive regulations for the sport fishery for halibut or components of it; therefore, anglers are advised to check the current federal or IPHC regulations prior to fishing.

The IPHC held its annual meeting in Victoria, British Columbia, January 21–25, 2013, and recommended a limited number of changes to the previous IPHC regulations (77 FR 16740, March 22, 2012). The Secretary of State approved the following changes to the previous IPHC regulations for 2013:

1. New halibut catch limits in all regulatory areas in Section 11; and
2. New commercial halibut fishery opening and closing dates in Section 8.

These are the only changes to the IPHC regulations for the 2013 fishing season. NMFS is publishing the 2013 IPHC regulations as the annual halibut management measures in this final rule to provide the public with the complete set of regulations.

Catch Limits

The IPHC recommended to the governments of Canada and the United States catch limits for 2013 totaling 31,028,000 lb (14,074 mt), an average 7.5 percent reduction from the 2012 catch limits for all areas, based on the most recent coast-wide stock assessment. The IPHC adopted area-specific catch limits for 2013 that were lower than 2012 in all of its management areas except Areas 2A and 2C. A description of the process the IPHC used to set these catch limits follows.

During 2012, IPHC staff conducted a full review of the data and the general approach used to assess the stock in recent years. A retrospective bias in recent assessments was found to occur because the model did not correctly account for variation in the availability of different sizes of fish in different areas. As a result of this retrospective bias, actual historical harvest rates were higher than the rates the IPHC used to inform its stock assessments. A peer review team, including the U.S. and Canadian Science Advisors, agreed that the more flexible model structure developed by the IPHC staff for use in the 2012 assessment could correct the retrospective bias. The 2012 assessment results are more consistent with observed fishery and survey results than past assessments. Based on the results derived from the new model, estimates of recent recruitment are lower than previously thought.

The Pacific halibut biomass has been declining over much of the last decade as a result of decreasing size-at-age and below-average recruitment. The 2012 stock assessment estimates that the population decline has now slowed and future stock abundance is projected to remain near current levels. Overall, the spawning biomass of halibut is at a level about 5 percent higher than would require a reduction in the target harvest rate. As part of an ongoing effort to provide Commissioners with greater flexibility when selecting catch limits, IPHC staff provided a decision table that

described the probabilities of risks and benefits associated with specific catch limit recommendations. This decision table allowed the Commissioners to compare alternative stock biomass and fishery outcomes at different increments of total removals as they set the annual catch limits.

Annual catch limits that result in commercial catch equal to the current harvest rate policy of the IPHC for each regulatory area are referred to as the ''Blue Line'' apportionment. Although the overall catch limits are lower than those in 2012, the IPHC adopted catch limits that were higher than the 2013 Blue Line apportionment recommendations for all areas except 2B. These catch limits allow slightly greater commercial harvest opportunities in 2013, but may require more conservative catch limits in future years to ensure that future harvest yields do not decrease relative to 2013. The catch limits adopted in Regulatory Areas 3A, 3B, 4A, 4B, and 4CDE are intended to reduce harvests in those areas because the stock assessment indicated that exploitable biomass had decreased relative to 2012. Catch limits adopted for Areas 2A and 2B for 2013 are similar or the same as 2012. The catch limit recommendations in Areas 2A and 2B reflect the IPHC's decision to provide additional harvest opportunities in these areas relative to the IPHC harvest rate policy. The catch limit for Area 2C increased from 2012. The catch limits adopted in Area 2C equal the Blue Line apportionment. Catch limits in all other areas decreased from 2012 levels (Table 1).

TABLE 1—PERCENT CHANGE IN CATCH LIMITS FROM 2012 TO 2013 BY IPHC REGULATORY AREA

Regulatory area	2013 Catch limit (lb)	2012 Catch limit (lb)	Percent change from 2012
2A	990,000	989,000	0.1
2B	7,038,000	7,038,000	0.0
2C	2,970,000	2,624,000	13.2
3A	11,030,000	11,918,000	−7.5
3B	4,290,000	5,070,000	−15.4
4A	1,330,000	1,567,000	−15.1
4B	1,450,000	1,869,000	−22.4
4C	859,000	1,107,355	−22.4
4D	859,000	1,107,355	−22.4
4E	212,000	250,290	−15.3

Commercial Halibut Fishery Opening Dates

The opening date for the tribal commercial fishery in Area 2A and for the commercial halibut fisheries in Areas 2B through 4E is March 23, 2013. The date takes into account a number of factors, including the timing of halibut migration and spawning, marketing for seasonal holidays, and interest in getting product to processing plants before the herring season opens. The closing date for the halibut fisheries is November 7, 2013. This date takes into account the anticipated time required to fully harvest the commercial halibut catch limits while providing adequate time for IPHC staff to review the complete record of 2013 commercial catch data for use in the 2014 stock assessment process.

In the Area 2A directed fishery, each fishing period shall begin at 0800 hours and terminate at 1800 hours local time on June 26, July 10, July 24, August 7, August 21, September 4, and September 18, 2013, unless the IPHC specifies otherwise. These 10-hour openings will occur until the quota is taken and the fishery is closed.

Reverse Slot Limit for Halibut Retained Onboard a Charter Vessel Fishing in Area 2C

This final rule does not amend the 2012 measures applicable to the charter vessel fishery in Area 2C. The 2012 measures prohibit a person onboard a charter vessel referred to in 50 CFR 300.65 and fishing in Area 2C from taking or possessing any halibut, with head on, that is greater than 45 inches (114.3 cm) and less than 68 inches (172.7 cm), as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. This type of restriction is referred to as a ''reverse slot limit.''

The IPHC recognizes the role of the NPFMC to develop policy and regulations that allocate the Pacific halibut resource among fishermen in and off of Alaska, and that NMFS has developed numerous regulations to support the NPFMC's goals of limiting guided sport (charter) harvests over the past several years. In 2012, the IPHC specifically recommended this additional size limit as a management measure in the Area 2C charter fishery, based on guidance from the NPFMC to limit charter halibut harvests to the stated harvest policy of the United States for the charter fishery, which is the GHL.

The GHL was recommended by the NPFMC in February 2000, after several years of debate and refinement. NMFS published a final rule implementing the GHL on August 8, 2003 (68 FR 47256). The GHL establishes a pre-season estimate of the acceptable annual harvests for the charter fishery in Areas 2C and 3A. The GHLs are established as total maximum poundages, which are responsive to annual fluctuations in abundance. For example, in the event of a reduction in either area's halibut biomass, as determined by the IPHC, the area's GHL is reduced incrementally in a stepwise fashion in proportion to the reduction.

Regulations at § 300.65(c)(1) specify the GHLs based on the total constant exploitation yield (CEY) established annually by the IPHC. The CEY represents the target level for total halibut removals in an area for the coming year. The IPHC calculates the CEY in a given area by multiplying a target harvest rate by the estimate of exploitable biomass, or the portion of the biomass available to the fishery. The charter halibut fishery exceeded the GHL in Area 2C from 2004 through 2010, notwithstanding management measures designed by the NPFMC and implemented by NMFS to control sport halibut harvest to the GHL in this area. However, management measures to control harvest by the charter fishery in Area 2C kept harvest below the GHL in 2011 and 2012.

At the IPHC's annual meeting in January 2011, the IPHC became aware that charter halibut harvests in Area 2C were likely to exceed the 788,000 lb GHL, based on the well-established trend of charter harvests since 2004, and the demonstrated removals under

existing regulations. Therefore, the IPHC concluded that additional restrictions were necessary to limit that charter harvest to the GHL and achieve the IPHC's overall conservation objective and the NPFMC's allocation objective for Area 2C. The IPHC determined that limiting charter harvests in Area 2C to one fish of no more than 37 inches would likely meet the multiple objectives established by the IPHC in 2011. The Secretary of State, with the concurrence of the Secretary, accepted the IPHC's recommended daily bag limit for charter vessel anglers in Area 2C of one halibut with a maximum length of 37 inches (94.0 cm) per day (76 FR 14300, March 16, 2011).

In November 2011, the Alaska Department of Fish and Game (ADF&G) estimated that 2011 Area 2C charter harvests under the 37-inch maximum length rule totaled approximately 388,000 lb, which is significantly below the GHL of 788,000 lb. Based on the 2011 charter harvest estimate that was well below the GHL under the 37-inch maximum length limit regulation, the NPFMC determined that it would be appropriate for IPHC to consider management measures in addition to a maximum length limit to limit charter harvest to the GHL.

In November 2011, the Area 2C GHL for 2012 was increased to 931,000 lb. In December 2011, the NPFMC unanimously recommended that the IPHC implement a reverse slot limit with a lower limit of under 45 inches (U45) and an upper limit of over 68 inches (O68) to limit Area 2C charter harvest to the 2012 GHL. This U45/O68 reverse slot limit allowed the retention of halibut approximately ≤32 lb and ≥123 lb (headed and gutted). In considering charter management measures for 2012, the NPFMC sought to select a management measure that would enable the charter sector to harvest an amount of halibut close to the GHL without exceeding it. Charter harvest in 2012 was 645,000 lb, relative to its GHL of 931,000 lb.

In November 2012, the Area 2C GHL for 2013 decreased to 788,000 lb. The NPFMC evaluated alternative management measures to control charter harvest, but unanimously recommended that the IPHC not amend the U45/O68 reverse slot limit for 2013. The NPFMC received input from its Charter Implementation Committee and charter fishery participants indicating that the reverse slot limit would provide anglers with an opportunity to retain a ''trophy'' fish (halibut larger than 68 inches), whereas a maximum length limit would prohibit retention of any halibut larger than the maximum length limit. These charter fishery stakeholders indicated that a reverse slot limit would be less likely to result in adverse economic impacts from reduced angler demand than a maximum length limit regulation. The NPFMC also considered a management measure for Area 2C that would allow anglers to retain one fish each year that exceeds the maximum size limit in place for charter anglers. The analysis indicated that there was much uncertainty in the projections of charter harvest under this management measure because it is difficult to predict the size and number of fish that would be retained under this maximum size limit exemption. Owing to this uncertainty, the maximum size limit that would have to be set for the non-exempted fish to keep the charter harvest within the GHL would be too low to be attractive to anglers and charter guides. This measure was therefore not recommended by the NPFMC.

The IPHC first recommended implementing the U45/O68 reverse slot limit for charter anglers in Area 2C for the 2012 halibut fishing season. The IPHC's recommendation was based on the NPFMC's objective to implement a management measure that would (1) restrict charter harvest to the GHL, and (2) be less likely to result in adverse economic impacts for charter operators from reduced angler demand than a maximum length limit regulation. The IPHC determined that the reverse slot limit should not be amended for the 2013 season.

Area 2C Carcass Retention

Current IPHC regulations prohibit the filleting, mutilation or other disfigurement of sport-caught halibut that would prevent the determination of the size or number of halibut possessed or landed. In Southeast Alaska Area 2C, the IPHC recommended maintaining the current regulation at section 28(2)(b) that a person onboard a charter vessel who possesses filleted halibut must also retain the entire carcass, with head and tail connected as a single piece, onboard the vessel until all the fillets are offloaded. This regulation was implemented in 2011 to facilitate enforcement of the 37-inch maximum size limit and accounting of each charter vessel angler's halibut bag limit. The IPHC recommended no changes to the carcass retention requirement in 2013 to facilitate enforcement of the U45/O68 reverse slot limit in Area 2C.

Changes to the Pacific Fishery Management Council's Area 2A Catch Sharing Plan

In addition to implementing the IPHC recommendations, this final rule approves several Council-recommended changes to the Pacific Fishery Management Council's Area 2A CSP and implements the CSP through annual management measures. For 2013 and beyond, the PFMC has recommended several minor changes to the Plan that would: Modify the days of the week for the Columbia River subarea spring fishery; modify the trigger for closing the early season in the Columbia River subarea; reduce the open days per week in the nearshore fishery in the Oregon central coast subarea; include a poundage trigger for reallocating fish from the summer all-depth to the spring all-depth fishery in the Oregon central coast subarea; allow incidental catch of halibut in the salmon troll fishery beginning in April rather than May. This rule also adopts the annual domestic management measures for Area 2A. Changes to these management measures from 2012 are necessary to implement the IPHC's decision regarding the Area 2A TAC and the above-described changes to the Catch Sharing Plan.

Incidental Halibut Retention in the Sablefish Primary Fishery North of Pt. Chehalis, Washington

The CSP 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 (448.6 mt); therefore incidental halibut retention will be allowed in this fishery. Landing restrictions will be recommended by the PFMC for public review at its March meeting and final recommendations will occur at its April meeting. Following this meeting NMFS will publish the restrictions in the **Federal Register**.

Area 2A Catch Sharing Plan and Annual Regulations; Comments and Responses

NMFS accepted comments through February 26, 2013, on the proposed rule for the Area 2A CSP and annual regulations and received 2 public comments: One comment letter each from Washington Department of Fish and Wildlife (WDFW) and Oregon Department of Fish and Wildlife

(ODFW) recommending season dates for halibut sport fisheries in each state.

Comment 1: ''The WDFW held a public meeting following the IPHC's final 2013 TAC decisions to review the results of the 2012 Puget Sound halibut fishery, and to develop season dates for the 2013 sport halibut fishery. Based on the 2013 Area 2A TAC of 990,000 lb (448.6 mt), the halibut quota for the Puget Sound sport fishery is 57,393 lb (26 mt). Because the catch in this area has exceeded the quota in recent years, WDFW has recommended a reduced season length for 2013 even through the allocation is the same as 2012. Within the Puget Sound sport halibut fishery, WDFW recommends they open as follows in the Eastern Region from May 2–31 (except closed May 5–15); between May 2–4 and May 16–18, open Thursday through Saturday; reopen May 23 through May 26, Thursday through Sunday; and reopen May 30–31. In the Western Region the WDFW recommends the fishery be open May 23-June 8; May 23–26, Thursday through Sunday; then reopen May 30–June 1, Thursday through Saturday; and open one day on Thursday June 8.''

Response: NMFS agrees with WDFW's recommended Puget Sound season dates. These dates will help keep this area within its quota, while providing for angler enjoyment and participation. Therefore, NMFS implements the dates for this subarea as stated above, in this final rule.

Comment 2: ''ODFW held a public meeting following the final TAC decision by the IPHC to gather comments on the open dates for the recreational all-depth fishery in Oregon's Central Coast Subarea. Since 2004, the number of open fishing days that could be accommodated in the spring fishery has been roughly constant. The catch limit for this sub-area's spring season will be 191,780 lb (86.9 mt) in 2012, based on the IPHC's 2012 TAC for Area 2A. Because of the increased TAC for 2012, ODFW recommends setting a Central Coast all-depth fishery of 12 days. ODFW recommends the following days for the spring fishery, within this subarea's parameters, for a Thursday-Saturday season and with weeks of adverse tidal conditions skipped: Regular open days of May 10–12, 17–19, 24–26 and May 31–June 2; back-up open days of June 14–16, 28–30, July 12–14, and 26–28. For the summer fishery in this subarea, ODFW recommended following the CSP's parameters of opening the first Friday in August, with open days to occur every other Friday-Saturday, unless modified in-season within the parameters of the CSP. Under the CSP, the 2012 summer all-depth fishery in Oregon's Central Coast Subarea occurs: August 3–4, 17–18, August 31–September 1, 14–15, 28–29, October 12–13, and 26–27.''

Response: NMFS agrees with ODFW's recommended Central Coast season dates. These dates will help keep this area within its quota, while providing for angler enjoyment and participation. Therefore, NMFS implements the dates in this final rule.

Changes From the Proposed Rule

On February 11, 2013, NMFS published a proposed rule to modify the CSP and recreational management measures for Area 2A (78 FR 9660). The provisions in the proposed rule were based on the final 2A TAC of 990,000 lb. The changes in this final rule are to simply add dates for sport fisheries which were not listed in the proposed rule. The proposed rule does not contain final season dates because the states do not submit their final season date recommendations until the final TAC decision is made by the IPHC (after the publication of the proposed rule) and the states have held their public meetings. There are no other substantive changes from the proposed rule.

Guideline Harvest Levels for Areas 2C and 3A

NMFS provides notice of the 2013 Pacific halibut GHLs for the charter fishery in IPHC Regulatory Areas 2C and 3A. This notice is necessary to meet the regulatory requirement at 50 CFR 300.65(c) to publish an announcement for the public about the 2013 GHLs for the charter fishery for halibut. The GHLs are benchmark harvest levels for participants in the charter fishery. Regulations at § 300.65(c)(1) specify the GHLs based on the total CEY that is established annually by the IPHC. The total CEY for 2013 is 5,000,000 lb (2,268.0 mt) in Area 2C and 15,130,000 lb (6,862.9 mt) in Area 3A. The corresponding GHLs are 788,000 lb (422.3 mt) in Area 2C, and 2,373,000 lb (1,076.4 mt) in Area 3A. The GHLs for 2013 declined in Area 2C and Area 3A due to the reduced total CEY for those areas.

Annual Halibut Management Measures

The following annual management measures for the 2013 Pacific halibut fishery are those recommended by the IPHC and accepted by the Secretary of State, with the concurrence of the Secretary. The sport fishing regulations for Area 2A, included in paragraph 26, are consistent with the measures adopted by the IPHC and approved by the Secretary of State, but were developed by the Pacific Fishery Management Council and promulgated by the United States under the Halibut Act.

1. Short Title

These Regulations may be cited as the Pacific Halibut Fishery Regulations.

2. Application

(1) These Regulations apply to persons and vessels fishing for halibut in, or possessing halibut taken from, the maritime area as defined in Section 3.

(2) Sections 3 to 6 apply generally to all halibut fishing.

(3) Sections 7 to 20 apply to commercial fishing for halibut.

(4) Section 21 applies to tagged halibut caught by any vessel.

(5) Section 22 applies to the United States treaty Indian fishery in Subarea 2A–1.

(6) Section 23 applies to customary and traditional fishing in Alaska.

(7) Section 24 applies to Aboriginal groups fishing for food, social and ceremonial purposes in British Columbia.

(8) Sections 25 to 28 apply to sport fishing for halibut.

(9) These Regulations do not apply to fishing operations authorized or conducted by the Commission for research purposes.

3. Definitions

(1) In these Regulations,

(a) ''authorized officer'' means any State, Federal, or Provincial officer authorized to enforce these Regulations including, but not limited to, the National Marine Fisheries Service (NMFS), Canada's Department of Fisheries and Oceans (DFO), Alaska Wildlife Troopers (AWT), United States Coast Guard (USCG), Washington Department of Fish and Wildlife (WDFW), and the Oregon State Police (OSP);

(b) ''authorized clearance personnel'' means an authorized officer of the United States, a representative of the Commission, or a designated fish processor;

(c) ''charter vessel'' means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator;

(d) ''commercial fishing'' means fishing, the resulting catch of which is sold or bartered; or is intended to be sold or bartered, other than (i) Sport fishing, (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 22, (iii) customary and traditional fishing as referred to in section 23 and defined by and regulated pursuant to NMFS regulations

published at 50 CFR part 300, and (iv) Aboriginal groups fishing in British Columbia as referred to in section 24;

(e) ''Commission'' means the International Pacific Halibut Commission;

(f) ''daily bag limit'' means the maximum number of halibut a person may take in any calendar day from Convention waters;

(g) ''fishing'' means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area;

(h) ''fishing period limit'' means the maximum amount of halibut that may be retained and landed by a vessel during one fishing period;

(i) ''land'' or ''offload'' with respect to halibut, means the removal of halibut from the catching vessel;

(j) ''license'' means a halibut fishing license issued by the Commission pursuant to section 4;

(k) ''maritime area,'' in respect of the fisheries jurisdiction of a Contracting Party, includes without distinction areas within and seaward of the territorial sea and internal waters of that Party;

(l) ''net weight'' of a halibut means the weight of halibut that is without gills and entrails, head-off, washed, and without ice and slime. If a halibut is weighed with the head on or with ice and slime, the required conversion factors for calculating net weight are a 2 percent deduction for ice and slime and a 10 percent deduction for the head;

(m) ''operator,'' with respect to any vessel, means the owner and/or the master or other individual on board and in charge of that vessel;

(n) ''overall length'' of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments);

(o) ''person'' includes an individual, corporation, firm, or association;

(p) ''regulatory area'' means an area referred to in section 6;

(q) ''setline gear'' means one or more stationary, buoyed, and anchored lines with hooks attached;

(r) ''sport fishing'' means all fishing other than (i) commercial fishing, (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 22, (iii) customary and traditional fishing as referred to in section 23 and defined in and regulated pursuant to NMFS regulations published in 50 CFR part 300, and (iv) Aboriginal groups fishing in British Columbia as referred to in section 24;

(s) ''tender'' means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish processor;

(t) ''VMS transmitter'' means a NMFS-approved vessel monitoring system transmitter that automatically determines a vessel's position and transmits it to a NMFS-approved communications service provider.[1]

(2) In these Regulations, all bearings are true and all positions are determined by the most recent charts issued by the United States National Ocean Service or the Canadian Hydrographic Service.

4. Licensing Vessels for Area 2A

(1) No person shall fish for halibut from a vessel, nor possess halibut on board a vessel, used either for commercial fishing or as a charter vessel in Area 2A, unless the Commission has issued a license valid for fishing in Area 2A in respect of that vessel.

(2) A license issued for a vessel operating in Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.

(3) A vessel with a valid Area 2A commercial license cannot be used to sport fish for Pacific halibut in Area 2A.

(4) A license issued for a vessel operating in the commercial fishery in Area 2A shall be valid for one of the following, but not both:

(a) the directed commercial fishery during the fishing periods specified in paragraph (2) of section 8 and the incidental commercial fishery during the sablefish fishery specified in paragraph (3) of section 8; or

(b) the incidental catch fishery during the salmon troll fishery specified in paragraph (4) of section 8.

(5) A license issued in respect to a vessel referred to in paragraph (1) of this section must be carried on board that vessel at all times and the vessel operator shall permit its inspection by any authorized officer.

(6) The Commission shall issue a license in respect to a vessel, without fee, from its office in Seattle, Washington, upon receipt of a completed, written, and signed ''Application for Vessel License for the Halibut Fishery'' form.

(7) A vessel operating in the directed commercial fishery or the incidental commercial fishery during the sablefish fishery in Area 2A must have its ''Application for Vessel License for the Halibut Fishery'' form postmarked no later than 11:59 p.m. on April 30, or on the first weekday in May if April 30 is a Saturday or Sunday.

(8) A vessel operating in the incidental commercial fishery during the salmon troll season in Area 2A must have its ''Application for Vessel License for the Halibut Fishery'' form postmarked no later than 11:59 p.m. on March 31, or the first weekday in April if March 31 is a Saturday or Sunday.

(9) Application forms may be obtained from any authorized officer or from the Commission.

(10) Information on ''Application for Vessel License for the Halibut Fishery'' form must be accurate.

(11) The ''Application for Vessel License for the Halibut Fishery'' form shall be completed and signed by the vessel owner.

(12) Licenses issued under this section shall be valid only during the year in which they are issued.

(13) A new license is required for a vessel that is sold, transferred, renamed, or the documentation is changed.

(14) The license required under this section is in addition to any license, however designated, that is required under the laws of the United States or any of its States.

(15) The United States may suspend, revoke, or modify any license issued under this section under policies and procedures in Title 15, CFR part 904.

5. In-Season Actions

(1) The Commission is authorized to establish or modify regulations during the season after determining that such action:

(a) will not result in exceeding the catch limit established preseason for each regulatory area;

(b) is consistent with the Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, and applicable domestic law of either Canada or the United States; and

(c) is consistent, to the maximum extent practicable, with any domestic catch sharing plans or other domestic allocation programs developed by the United States or Canadian governments.

(2) In-season actions may include, but are not limited to, establishing or modifying the following:

(a) closed areas;

(b) fishing periods;

(c) fishing period limits;

(d) gear restrictions;

(e) recreational bag limits;

(f) size limits; or

(g) vessel clearances.

[1] Call NOAA Enforcement Division, Alaska Region, at 907–586–7225 between the hours of 0800 and 1600 local time for a list of NMFS-approved VMS transmitters and communications service providers.

(3) In-season changes will be effective at the time and date specified by the Commission.

(4) The Commission will announce in-season actions under this section by providing notice to major halibut processors; Federal, State, United States treaty Indian, and Provincial fishery officials; and the media.

6. Regulatory Areas

The following areas shall be regulatory areas (see Figure 1) for the purposes of the Convention:

(1) Area 2A includes all waters off the states of California, Oregon, and Washington;

(2) Area 2B includes all waters off British Columbia;

(3) Area 2C includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58°11′56″ N. latitude, 136°38′26″ W. longitude) and south and east of a line running 205° true from said light;

(4) Area 3A includes all waters between Area 2C and a line extending from the most northerly point on Cape Aklek (57°41′15″ N. latitude, 155°35′00″ W. longitude) to Cape Ikolik (57°17′17″ N. latitude, 154°47′18″ W. longitude), then along the Kodiak Island coastline to Cape Trinity (56°44′50″ N. latitude, 154°08′44″ W. longitude), then 140° true;

(5) Area 3B includes all waters between Area 3A and a line extending 150° true from Cape Lutke (54°29′00″ N. latitude, 164°20′00″ W. longitude) and south of 54°49′00″ N. latitude in Isanotski Strait;

(6) Area 4A includes all waters in the Gulf of Alaska west of Area 3B and in the Bering Sea west of the closed area defined in section 10 that are east of 172°00′00″ W. longitude and south of 56°20′00″ N. latitude;

(7) Area 4B includes all waters in the Bering Sea and the Gulf of Alaska west of Area 4A and south of 56°20′00″ N. latitude;

(8) Area 4C includes all waters in the Bering Sea north of Area 4A and north of the closed area defined in section 10 which are east of 171°00′00″ W. longitude, south of 58°00′00″ N. latitude, and west of 168°00′00″ W. longitude;

(9) Area 4D includes all waters in the Bering Sea north of Areas 4A and 4B, north and west of Area 4C, and west of 168°00′00″ W. longitude; and

(10) Area 4E includes all waters in the Bering Sea north and east of the closed area defined in section 10, east of 168°00′00″ W. longitude, and south of 65°34′00″ N. latitude.

7. Fishing in Regulatory Area 4E and 4D

(1) Section 7 applies only to any person fishing, or vessel that is used to fish for, Area 4E Community Development Quota (CDQ) or Area 4D CDQ halibut, provided that the total annual halibut catch of that person or vessel is landed at a port within Area 4E or 4D.

(2) A person may retain halibut taken with setline gear in Area 4E CDQ and 4D CDQ fishery that are smaller than the size limit specified in section 13, provided that no person may sell or barter such halibut.

(3) The manager of a CDQ organization that authorizes persons to harvest halibut in the Area 4E or 4D CDQ fisheries must report to the Commission the total number and weight of undersized halibut taken and retained by such persons pursuant to section 7, paragraph (2). This report, which shall include data and methodology used to collect the data, must be received by the Commission prior to November 1 of the year in which such halibut were harvested.

8. Fishing Periods

(1) The fishing periods for each regulatory area apply where the catch limits specified in section 11 have not been taken.

(2) Each fishing period in the Area 2A directed commercial fishery [2] shall begin at 0800 hours and terminate at 1800 hours local time on June 26, July 10, July 24, August 7, August 21, September 4, and September 18 unless the Commission specifies otherwise.

(3) Notwithstanding paragraph (7) of section 11, an incidental catch fishery [2] is authorized during the sablefish seasons in Area 2A in accordance with regulations promulgated by NMFS. This fishery will occur between 1200 hours local time on March 23 and 1200 hours local time on November 7.

(4) 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 March 23 and 1200 hours local time on November 7.

(5) The fishing period in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall begin at 1200 hours local time on March 23 and terminate at 1200 hours local time on November 7, unless the Commission specifies otherwise.

(6) All commercial fishing for halibut in Areas 2A, 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall cease at 1200 hours local time on November 7.

9. Closed Periods

(1) No person shall engage in fishing for halibut in any regulatory area other than during the fishing periods set out in section 8 in respect of that area.

(2) No person shall land or otherwise retain halibut caught outside a fishing period applicable to the regulatory area where the halibut was taken.

(3) Subject to paragraphs (7), (8), (9), and (10) of section 19, these Regulations do not prohibit fishing for any species of fish other than halibut during the closed periods.

(4) Notwithstanding paragraph (3), no person shall have halibut in his/her possession while fishing for any other species of fish during the closed periods.

(5) No vessel shall retrieve any halibut fishing gear during a closed period if the vessel has any halibut on board.

(6) A vessel that has no halibut on board may retrieve any halibut fishing gear during the closed period after the operator notifies an authorized officer or representative of the Commission prior to that retrieval.

(7) After retrieval of halibut gear in accordance with paragraph (6), the vessel shall submit to a hold inspection at the discretion of the authorized officer or representative of the Commission.

(8) No person shall retain any halibut caught on gear retrieved in accordance with paragraph (6).

(9) No person shall possess halibut on board a vessel in a regulatory area during a closed period unless that vessel is in continuous transit to or within a port in which that halibut may be lawfully sold.

10. Closed Area

All waters in the Bering Sea north of 55°00′00″ N. latitude in Isanotski Strait that are enclosed by a line from Cape Sarichef Light (54°36′00″ N. latitude, 164°55′42″ W. longitude) to a point at 56°20′00″ N. latitude, 168°30′00″ W. longitude; thence to a point at 58°21′25″ N. latitude, 163°00′00″ W. longitude; thence to Strogonof Point (56°53′18″ N. latitude, 158°50′37″ W. longitude); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin at Cape Sarichef Light are closed to halibut fishing and no person shall fish for halibut therein or have halibut in his/her possession while in those waters, except in the

[2] The incidental fishery during the directed, fixed gear sablefish season is restricted to waters that are north of Point Chehalis, Washington (46°53′18″ N. latitude) under regulations promulgated by NMFS at CFR 300.63. Landing restrictions for halibut retention in the fixed gear sablefish fishery can be found at CFR 660.231.

course of a continuous transit across those waters. All waters in Isanotski Strait between 55°00′00″ N. latitude and 54°49′00″ N. latitude are closed to halibut fishing.

11. Catch Limits

(1) The total allowable catch of halibut to be taken during the halibut fishing periods specified in section 8 shall be limited to the net weights expressed in pounds or metric tons shown in the following table:

CATCH LIMIT IN NET WEIGHT BY REGULATORY AREA

Regulatory area	Catch limit—net weight	
	Pounds	Metric tons
2A: Directed commercial, and incidental commercial catch during salmon troll fishery	203,990	92.5
2A: Incidental commercial during sablefish fishery	21,410	9.7
2B [3]	7,038,000	3,192.4
2C	2,970,000	1,347.2
3A	11,030,000	5,003.2
3B	4,290,000	1,945.9
4A	1,330,000	603.3
4B	1,450,000	657.7
4C	859,000	389.6
4D	859,000	389.6
4E	212,000	96.2

(2) Notwithstanding paragraph (1), regulations pertaining to the division of the Area 2A catch limit between the directed commercial fishery and the incidental catch fishery as described in paragraph (4) of section 8 will be promulgated by NMFS and published in the **Federal Register**.

(3) The Commission shall determine and announce to the public the date on which the catch limit for Area 2A will be taken.

(4) Notwithstanding paragraph (1), Area 2B will close only when all Individual Vessel Quotas (IVQs) assigned by DFO are taken, or November 7, whichever is earlier.

(5) Notwithstanding paragraph (1), Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will each close only when all Individual Fishing Quotas (IFQ) and all CDQs issued by NMFS have been taken, or November 7, whichever is earlier.

(6) If the Commission determines that the catch limit specified for Area 2A in paragraph (1) would be exceeded in an unrestricted 10-hour fishing period as specified in paragraph (2) of section 8, the catch limit for that area shall be considered to have been taken unless fishing period limits are implemented.

(7) When under paragraphs (2), (3), and (6) the Commission has announced a date on which the catch limit for Area 2A will be taken, no person shall fish for halibut in that area after that date for the rest of the year, unless the Commission has announced the reopening of that area for halibut fishing.

(8) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4E directed commercial fishery is equal to the combined annual catch limits specified for the Area 4D and Area 4E CDQ fisheries. The annual Area 4D CDQ catch limit will decrease by the equivalent amount of halibut CDQ taken in Area 4E in excess of the annual Area 4E CDQ catch limit.

(9) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4D directed commercial fishery is equal to the combined annual catch limits specified for Area 4C and Area 4D. The annual Area 4C catch limit will decrease by the equivalent amount of halibut taken in Area 4D in excess of the annual Area 4D catch limit.

Area 2B includes combined commercial and sport catch limits which will be allocated by DFO.

12. Fishing Period Limits

(1) It shall be unlawful for any vessel to retain more halibut than authorized by that vessel's license in any fishing period for which the Commission has announced a fishing period limit.

(2) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut to a commercial fish processor, completely offload all halibut on board said vessel to that processor and ensure that all halibut is weighed and reported on State fish tickets.

(3) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut other than to a commercial fish processor, completely offload all halibut on board said vessel and ensure that all halibut are weighed and reported on State fish tickets.

(4) The provisions of paragraph (3) are not intended to prevent retail over-the-side sales to individual purchasers so long as all the halibut on board is ultimately offloaded and reported.

(5) When fishing period limits are in effect, a vessel's maximum retainable catch will be determined by the Commission based on:

(a) the vessel's overall length in feet and associated length class;

(b) the average performance of all vessels within that class; and

(c) the remaining catch limit.

(6) Length classes are shown in the following table:

Overall length (in feet)	Vessel class
1–25	A
26–30	B
31–35	C
36–40	D
41–45	E
46–50	F
51–55	G
56+	H

(7) Fishing period limits in Area 2A apply only to the directed halibut fishery referred to in paragraph (2) of section 8.

13. Size Limits

(1) No person shall take or possess any halibut that:

(a) with the head on, is less than 32 inches (81.3 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with

[3] Area 2B includes the combined commercial and sport catch limits which will be allocated by DFO.

the mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 2; or

(b) with the head removed, is less than 24 inches (61.0 cm) as measured from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail, as illustrated in Figure 2.

(2) No person on board a vessel fishing for, or tendering, halibut caught in Area 2A shall possess any halibut that has had its head removed.

14. Careful Release of Halibut

(1) All halibut that are caught and are not retained shall be immediately released outboard of the roller and returned to the sea with a minimum of injury by:

(a) hook straightening;

(b) cutting the gangion near the hook; or

(c) carefully removing the hook by twisting it from the halibut with a gaff.

(2) Except that paragraph (1) shall not prohibit the possession of halibut on board a vessel that has been brought aboard to be measured to determine if the minimum size limit of the halibut is met and, if sublegal-sized, is promptly returned to the sea with a minimum of injury.

15. Vessel Clearance in Area 4

(1) The operator of any vessel that fishes for halibut in Areas 4A, 4B, 4C, or 4D must obtain a vessel clearance before fishing in any of these areas, and before the landing of any halibut caught in any of these areas, unless specifically exempted in paragraphs (10), (13), (14), (15), or (16).

(2) An operator obtaining a vessel clearance required by paragraph (1) must obtain the clearance in person from the authorized clearance personnel and sign the IPHC form documenting that a clearance was obtained, except that when the clearance is obtained via VHF radio referred to in paragraphs (5), (8), and (9), the authorized clearance personnel must sign the IPHC form documenting that the clearance was obtained.

(3) The vessel clearance required under paragraph (1) prior to fishing in Area 4A may be obtained only at Nazan Bay on Atka Island, Dutch Harbor or Akutan, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(4) The vessel clearance required under paragraph (1) prior to fishing in Area 4B may only be obtained at Nazan Bay on Atka Island or Adak, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(5) The vessel clearance required under paragraph (1) prior to fishing in Area 4C or 4D may be obtained only at St. Paul or St. George, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(6) The vessel operator shall specify the specific regulatory area in which fishing will take place.

(7) Before unloading any halibut caught in Area 4A, a vessel operator may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(8) Before unloading any halibut caught in Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island or Adak, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio or in person.

(9) Before unloading any halibut caught in Area 4C and 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(10) Any vessel operator who complies with the requirements in section 18 for possessing halibut on board a vessel that was caught in more than one regulatory area in Area 4 is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) the operator of the vessel obtains a vessel clearance prior to fishing in Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul, St. George, Adak, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. This clearance will list the areas in which the vessel will fish; and

(b) before unloading any halibut from Area 4, the vessel operator obtains a vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul or St. George can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. The clearance obtained in Adak or Nazan Bay on Atka Island can be obtained by VHF radio.

(11) Vessel clearances shall be obtained between 0600 and 1800 hours, local time.

(12) No halibut shall be on board the vessel at the time of the clearances required prior to fishing in Area 4.

(13) Any vessel that is used to fish for halibut only in Area 4A and lands its total annual halibut catch at a port within Area 4A is exempt from the clearance requirements of paragraph (1).

(14) Any vessel that is used to fish for halibut only in Area 4B and lands its total annual halibut catch at a port within Area 4B is exempt from the clearance requirements of paragraph (1).

(15) Any vessel that is used to fish for halibut only in Area 4C or 4D or 4E and lands its total annual halibut catch at a port within Area 4C, 4D, 4E, or the closed area defined in section 10, is exempt from the clearance requirements of paragraph (1).

(16) Any vessel that carries a transmitting VMS transmitter while fishing for halibut in Area 4A, 4B, 4C, or 4D and until all halibut caught in any of these areas is landed, is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) the operator of the vessel complies with NMFS' vessel monitoring system regulations published at 50 CFR 679.28(f)(3), (4) and (5); and

(b) the operator of the vessel notifies NOAA Fisheries Office for Law Enforcement at 800–304–4846 (select option 1 to speak to an Enforcement Data Clerk) between the hours of 0600 and 0000 (midnight) local time within 72 hours before fishing for halibut in Area 4A, 4B, 4C, or 4D and receives a VMS confirmation number.

16. Logs

(1) The operator of any U.S. vessel fishing for halibut that has an overall length of 26 feet (7.9 meters) or greater shall maintain an accurate log of halibut fishing operations. The operator of a vessel fishing in waters in and off Alaska must use one of the following logbooks: the Groundfish/IFQ Daily Fishing Longline and Pot Gear Logbook

provided by NMFS; the Alaska hook-and-line logbook provided by Petersburg Vessel Owners Association or Alaska Longline Fisherman's Association; the Alaska Department of Fish and Game (ADF&G) longline-pot logbook; or the logbook provided by IPHC. The operator of a vessel fishing in Area 2A must use either the Washington Department of Fish and Wildlife (WDFW) Voluntary Sablefish Logbook, Oregon Department of Fish and Wildlife (ODFW) Fixed Gear Logbook, or the logbook provided by IPHC.

(2) The logbook referred to in paragraph (1) must include the following information:

(a) the name of the vessel and the State (ADF&G, WDFW, ODFW, or California Department of Fish and Game) or Tribal vessel number;

(b) the date(s) upon which the fishing gear is set or retrieved;

(c) the latitude and longitude coordinates or a direction and distance from a point of land for each set or day;

(d) the number of skates deployed or retrieved, and number of skates lost; and

(e) the total weight or number of halibut retained for each set or day.

(3) The logbook referred to in paragraph (1) shall be:

(a) maintained on board the vessel;

(b) updated not later than 24 hours after 0000 (midnight) local time for each day fished and prior to the offloading or sale of halibut taken during that fishing trip;

(c) retained for a period of two years by the owner or operator of the vessel;

(d) open to inspection by an authorized officer or any authorized representative of the Commission upon demand; and

(e) kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed.

(4) The log referred to in paragraph (1) does not apply to the incidental halibut fishery during the salmon troll season in Area 2A defined in paragraph (4) of section 8.

(5) The operator of any Canadian vessel fishing for halibut shall maintain an accurate log recorded in the British Columbia Integrated Groundfish Fishing Log provided by DFO.

(6) The logbook referred to in paragraph (5) must include the following information:

(a) the name of the vessel and the DFO vessel registration number;

(b) the date(s) upon which the fishing gear is set and retrieved;

(c) the latitude and longitude coordinates for each set;

(d) the number of skates deployed or retrieved, and number of skates lost; and

(e) the total weight or number of halibut retained for each set.

(7) The logbook referred to in paragraph (5) shall be:

(a) maintained on board the vessel;

(b) retained for a period of two years by the owner or operator of the vessel;

(c) open to inspection by an authorized officer or any authorized representative of the Commission upon demand;

(d) kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed;

(e) mailed to the DFO (white copy) within seven days of offloading; and

(f) mailed to the Commission (yellow copy) within seven days of the final offload if not collected by a Commission employee.

(8) No person shall make a false entry in a log referred to in this section.

17. Receipt and Possession of Halibut

(1) No person shall receive halibut caught in Area 2A from a United States vessel that does not have on board the license required by section 4.

(2) No person shall possess on board a vessel a halibut other than whole or with gills and entrails removed, except that this paragraph shall not prohibit the possession on board a vessel of:

(a) halibut cheeks cut from halibut caught by persons authorized to process the halibut on board in accordance with NMFS regulations published at 50 CFR part 679;

(b) fillets from halibut offloaded in accordance with section 17 that are possessed on board the harvesting vessel in the port of landing up to 1800 hours local time on the calendar day following the offload;[4] and

(c) halibut with their heads removed in accordance with section 13.

(3) No person shall offload halibut from a vessel unless the gills and entrails have been removed prior to offloading.

(4) It shall be the responsibility of a vessel operator who lands halibut to continuously and completely offload at a single offload site all halibut on board the vessel.

(5) A registered buyer (as that term is defined in regulations promulgated by NMFS and codified at 50 CFR part 679) who receives halibut harvested in IFQ and CDQ fisheries in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, directly from the vessel operator that harvested such halibut must weigh all the halibut received and record the following information on Federal catch reports: date of offload; name of vessel; vessel number (State, Tribal or Federal, but not IPHC vessel number); scale weight obtained at the time of offloading, including the scale weight (in pounds) of halibut purchased by the registered buyer, the scale weight (in pounds) of halibut offloaded in excess of the IFQ or CDQ, the scale weight of halibut (in pounds) retained for personal use or for future sale, and the scale weight (in pounds) of halibut discarded as unfit for human consumption.

(6) The first recipient, commercial fish processor, or buyer in the United States who purchases or receives halibut directly from the vessel operator that harvested such halibut must weigh and record all halibut received and record the following information on State fish tickets: the date of offload; vessel number (State, Tribal or Federal, not IPHC vessel number); total weight obtained at the time of offload including the weight (in pounds) of halibut purchased; the weight (in pounds) of halibut offloaded in excess of the IFQ, CDQ, or fishing period limits; the weight of halibut (in pounds) retained for personal use or for future sale; and the weight (in pounds) of halibut discarded as unfit for human consumption.

(7) The individual completing the State fish tickets for the Area 2A fisheries as referred to in paragraph (6) must additionally record whether the halibut weight is of head-on or head-off fish.

(8) For halibut landings made in Alaska, the requirements as listed in paragraph (5) and (6) can be met by recording the information in the Interagency Electronic Reporting Systems, eLandings in accordance with NMFS regulation published at 50 CFR Part 679.

(9) The master or operator of a Canadian vessel that was engaged in halibut fishing must weigh and record all halibut on board said vessel at the time offloading commences and record on Provincial fish tickets or Federal catch reports the date; locality; name of vessel; the name(s) of the person(s) from whom the halibut was purchased; and the scale weight (in pounds) obtained at the time of offloading of all halibut on board the vessel including the pounds purchased, pounds in excess of IVQs, pounds retained for personal use, and pounds discarded as unfit for human consumption.

(10) No person shall make a false entry on a State or Provincial fish ticket or a Federal catch or landing report referred to in paragraphs (5), (6), and (9) of section 17.

[4] DFO has more restrictive regulations; therefore, section 17 paragraph (2)(b) does not apply to fish caught in Area 2B or landed in British Columbia.

(11) A copy of the fish tickets or catch reports referred to in paragraphs (5), (6), and (9) shall be:

(a) retained by the person making them for a period of three years from the date the fish tickets or catch reports are made; and

(b) open to inspection by an authorized officer or any authorized representative of the Commission.

(12) No person shall possess any halibut taken or retained in contravention of these Regulations.

(13) When halibut are landed to other than a commercial fish processor, the records required by paragraph (6) shall be maintained by the operator of the vessel from which that halibut was caught, in compliance with paragraph (11).

(14) No person shall tag halibut unless the tagging is authorized by IPHC permit or by a Federal or State agency.

18. Fishing Multiple Regulatory Areas

(1) Except as provided in this section, no person shall possess at the same time on board a vessel halibut caught in more than one regulatory area.

(2) Halibut caught in more than one of the Regulatory Areas 2C, 3A, or 3B may be possessed on board a vessel at the same time, provided the operator of the vessel:

(a) has a NMFS-certified observer on board when required by NMFS regulations [5] published at 50 CFR 679.7(f)(4); and

(b) can identify the regulatory area in which each halibut on board was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

(3) Halibut caught in more than one of the Regulatory Areas 4A, 4B, 4C, or 4D may be possessed on board a vessel at the same time, provided the operator of the vessel:

(a) has a NMFS-certified observer on board the vessel as required by NMFS regulations published at 50 CFR 679.7(f)(4); or has an operational VMS on board actively transmitting in all regulatory areas fished and does not possess at any time more halibut on board the vessel than the IFQ permit holders on board the vessel have cumulatively available for any single Area 4 regulatory area fished; and

(b) can identify the regulatory area in which each halibut on board was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

(4) If halibut from Area 4 are on board the vessel, the vessel can have halibut caught in Regulatory Areas 2C, 3A, and 3B on board if in compliance with paragraph (2).

19. Fishing Gear

(1) No person shall fish for halibut using any gear other than hook and line gear, except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined in the Condition of Sablefish Licence can retain halibut caught as bycatch under regulations promulgated by the Canadian Department of Fisheries and Oceans.

(2) No person shall possess halibut taken with any gear other than hook and line gear, except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined by the Condition of Sablefish Licence can retain halibut caught as bycatch under regulations promulgated by the Canadian Department of Fisheries and Oceans.

(3) No person shall possess halibut while on board a vessel carrying any trawl nets or fishing pots capable of catching halibut, except that in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E, halibut heads, skin, entrails, bones or fins for use as bait may be possessed on board a vessel carrying pots capable of catching halibut, provided that a receipt documenting purchase or transfer of these halibut parts is on board the vessel.

(4) All setline or skate marker buoys carried on board or used by any United States vessel used for halibut fishing shall be marked with one of the following:

(a) the vessel's State license number; or

(b) the vessel's registration number.

(5) The markings specified in paragraph (4) shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water and shall be maintained in legible condition.

(6) All setline or skate marker buoys carried on board or used by a Canadian vessel used for halibut fishing shall be:

(a) floating and visible on the surface of the water; and

(b) legibly marked with the identification plate number of the vessel engaged in commercial fishing from which that setline is being operated.

(7) No person on board a vessel used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the fishing period for the directed commercial halibut fishery shall catch or possess halibut anywhere in those waters during that halibut fishing period unless, prior to the start of the halibut fishing period, the vessel has removed its gear from the water and has either:

(a) made a landing and completely offloaded its catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(8) No vessel used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the fishing period for the directed halibut commercial fishery may be used to catch or possess halibut anywhere in those waters during that halibut fishing period unless, prior to the start of the halibut fishing period, the vessel has removed its gear from the water and has either:

(a) made a landing and completely offloaded its catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(9) No person on board a vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season shall catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) made a landing and completely offloaded its entire catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(10) No vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season may be used to catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) made a landing and completely offloaded its entire catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(11) Notwithstanding any other provision in these Regulations, a person may retain, possess and dispose of halibut taken with trawl gear only as authorized by Prohibited Species Donation regulations of NMFS.

20. Supervision of Unloading and Weighing

The unloading and weighing of halibut may be subject to the supervision of authorized officers to assure the fulfillment of the provisions of these Regulations.

[5] Without an observer, a vessel cannot have on board more halibut than the IFQ for the area that is being fished, even if some of the catch occurred earlier in a different area.

21. Retention of Tagged Halibut

(1) Nothing contained in these Regulations prohibits any vessel at any time from retaining and landing a halibut that bears a Commission external tag at the time of capture, if the halibut with the tag still attached is reported at the time of landing and made available for examination by a representative of the Commission or by an authorized officer.

(2) After examination and removal of the tag by a representative of the Commission or an authorized officer, the halibut:

(a) may be retained for personal use; or

(b) may be sold only if the halibut is caught during commercial halibut fishing and complies with the other commercial fishing provisions of these Regulations.

(3) Externally tagged fish must count against commercial IVQs, CDQs, IFQs, or daily bag or possession limits unless otherwise exempted by State, Provincial, or Federal regulations.

22. Fishing by United States Treaty Indian Tribes

(1) Halibut fishing in Subarea 2A–1 by members of United States treaty Indian tribes located in the State of Washington shall be regulated under regulations promulgated by NMFS and published in the **Federal Register**.

(2) Subarea 2A–1 includes all waters off the coast of Washington that are north of 46°53′18″ N. latitude and east of 125°44′00″ W. longitude, and all inland marine waters of Washington.

(3) Section 13 (size limits), section 14 (careful release of halibut), section 16 (logs), section 17 (receipt and possession of halibut) and section 19 (fishing gear), except paragraphs (7) and (8) of section 19, apply to commercial fishing for halibut in Subarea 2A–1 by the treaty Indian tribes.

(4) Regulations in paragraph (3) of this section that apply to State fish tickets apply to Tribal tickets that are authorized by Washington Department of Fish and Wildlife.

(5) Section 4 (Licensing Vessels for Area 2A) does not apply to commercial fishing for halibut in Subarea 2A–1 by treaty Indian tribes.

(6) Commercial fishing for halibut in Subarea 2A–1 is permitted with hook and line gear from March 23 through November 7, or until 314,300 pounds (142.5 metric tons) net weight is taken, whichever occurs first.

(7) Ceremonial and subsistence fishing for halibut in Subarea 2A–1 is permitted with hook and line gear from January 1 through December 31, and is estimated to take 32,200 pounds (14.6 metric tons) net weight.

23. Customary and Traditional Fishing in Alaska

(1) Customary and traditional fishing for halibut in Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall be governed pursuant to regulations promulgated by NMFS and published in 50 CFR part 300.

(2) Customary and traditional fishing is authorized from January 1 through December 31.

24. Aboriginal Groups Fishing for Food, Social and Ceremonial Purposes in British Columbia

(1) Fishing for halibut for food, social and ceremonial purposes by Aboriginal groups in Regulatory Area 2B shall be governed by the Fisheries Act of Canada and regulations as amended from time to time.

25. Sport Fishing for Halibut—General

(1) No person shall engage in sport fishing for halibut using gear other than a single line with no more than two hooks attached; or a spear.

(2) Any minimum overall size limit promulgated under IPHC or NMFS regulations shall be measured in a straight line passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail.

(3) Any halibut brought aboard a vessel and not immediately returned to the sea with a minimum of injury will be included in the daily bag limit of the person catching the halibut.

(4) No person may possess halibut on a vessel while fishing in a closed area.

(5) No halibut caught by sport fishing shall be offered for sale, sold, traded, or bartered.

(6) No halibut caught in sport fishing shall be possessed on board a vessel when other fish or shellfish aboard said vessel are destined for commercial use, sale, trade, or barter.

(7) The operator of a charter vessel shall be liable for any violations of these Regulations committed by a passenger aboard said vessel.

26. Sport Fishing for Halibut—Area 2A

(1) The total allowable catch of halibut shall be limited to:

(a) 214,110 pounds (97.1 metric tons) net weight in waters off Washington; and

(b) 203,990 pounds (92.5 metric tons) net weight in waters off California and Oregon.

(2) The Commission shall determine and announce closing dates to the public for any area in which the catch limits promulgated by NMFS are estimated to have been taken.

(3) When the Commission has determined that a subquota under paragraph (8) of this section is estimated to have been taken, and has announced a date on which the season will close, no person shall sport fish for halibut in that area after that date for the rest of the year, unless a reopening of that area for sport halibut fishing is scheduled in accordance with the Catch Sharing Plan for Area 2A, or announced by the Commission.

(4) In California, Oregon, or Washington, no person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(5) The possession limit on a vessel for halibut in the waters off the coast of Washington is the same as the daily bag limit. The possession limit on land in Washington for halibut caught in U.S. waters off the coast of Washington is two halibut.

(6) The possession limit on a vessel for halibut caught in the waters off the coast of Oregon is the same as the daily bag limit. The possession limit for halibut on land in Oregon is three daily bag limits.

(7) The possession limit on a vessel for halibut caught in the waters off the coast of California is one halibut. The possession limit for halibut on land in California is one halibut.

(8) The sport fishing subareas, subquotas, fishing dates, and daily bag limits are as follows, except as modified under the in-season actions in 50 CFR 300.63(c). All sport fishing in Area 2A is managed on a ''port of landing'' basis, whereby any halibut landed into a port counts toward the quota for the area in which that port is located, and the regulations governing the area of landing apply, regardless of the specific area of catch.

(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 lb (26 mt).

(i) The fishing season in eastern Puget Sound (east of 123°49.50′ W. long., Low Point) is open for two 3-day periods on May 2–4 and May 16–18 (Thursday–Saturday); one four day period on May 23–26 (Thursday–Sunday); and one 2-day period on May 30–31 (Thursday and Friday). The fishing season in western Puget Sound (west of

123°49.50′ W. long., Low Point) is open May 23–26 (Thursday–Sunday), May 30–June 1 (Thursday–Saturday), and Saturday, June 8.

(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 108,030 lb (49 mt).

(i) The fishing seasons are:

(A) Commencing on May 9 and continuing 2 days a week (Thursday and Saturday) until 108,030 lb (49 mt) are estimated to have been taken and the season is closed by the Commission or until May 18.

(B) If sufficient quota remains the fishery will reopen on May 30 and/or June 1 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 lb (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 18, any fishery opening will be announced on the NMFS hotline at 800–662–9825. No halibut fishing will be allowed after May 18 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 42,740 lb (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: 40,740 lb (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 at most 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 42,740 lb (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 lb (5.3 mt).

(i) The fishing season commences on May 3, and continues 3 days a week (Thursday, Friday and, Saturday) until 9,516 lb (4.3 mt) are estimated to have been taken and the season is closed by the Commission or until July 28, whichever is earlier. The fishery will reopen on August 2 and continue 3 days a week (Friday through Sunday) until 2,379 lb (1.1 mt) have 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 lb (87 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 of 23,038 lb (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 9–11, 16–18, 30–31, June 1, 6–8, 2013. The projected catch for this season is 120,947 lb (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: June 20–22, July 4–6, and July 18–20, 2013. 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 2–3, 16–17, 30–31, September 13–14, 27–28, October 11–12 and 25–26, 2013, or until the combined spring season and summer season quotas in the area between Cape Falcon and Humbug Mountain, OR, totaling 191,979 lb (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 on August 3, 2013. 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 August 9 and ending October 31. If after September 1, 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 1, 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 lb (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.

27. Sport Fishing for Halibut—Area 2B

(1) In all waters off British Columbia: [6]

(a) the sport fishing season is from February 1 to December 31;

(b) the daily bag limit is two halibut of any size per day per person.

(2) In British Columbia, no person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(3) The possession limit for halibut in the waters off the coast of British Columbia is three halibut.

28. Sport Fishing for Halibut—Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E

(1) In waters in and off Alaska [7]:

(a) the sport fishing season is from February 1 to December 31;

(b) the daily bag limit is two halibut of any size per day per person, unless a more restrictive bag limit applies in Federal regulations at 50 CFR 300.65; and

(c) no person may possess more than two daily bag limits.

(2) No person on board a charter vessel [8] referred to in 50 CFR 300.65 and fishing in Regulatory Area 2C shall take or possess any halibut that:

(a) with head on, is greater than 45 inches (114.3 cm) and less than 68 inches (172.7 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 3; and

(b) if the halibut is filleted the entire carcass, with head and tail connected as a single piece, must be retained on board the vessel until all fillets are offloaded.

(3) In Convention waters in and off Alaska, no person shall possess on

[6] DFO could implement more restrictive regulations for the sport fishery, therefore anglers are advised to check the current Federal or Provincial regulations prior to fishing.

[7] NMFS could implement more restrictive regulations for the sport fishery or components of it, therefore, anglers are advised to check the current Federal or State regulations prior to fishing.

[8] Charter vessels are prohibited from harvesting halibut in Area 2C and 3A during one charter vessel fishing trip under regulations promulgated by NMFS at CFR 300.66.

board a vessel, including charter vessels and pleasure craft used for fishing, halibut that has been filleted, mutilated, or otherwise disfigured in any manner, except that

(a) each halibut may be cut into no more than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with skin on all pieces; and

(b) halibut in excess of the possession limit in paragraph (1)(c) of this section may be possessed on a vessel that does not contain sport fishing gear, fishing rods, hand lines, or gaffs.

29. Previous Regulations Superseded

These Regulations shall supersede all previous regulations of the Commission, and these Regulations shall be effective each succeeding year until superseded.

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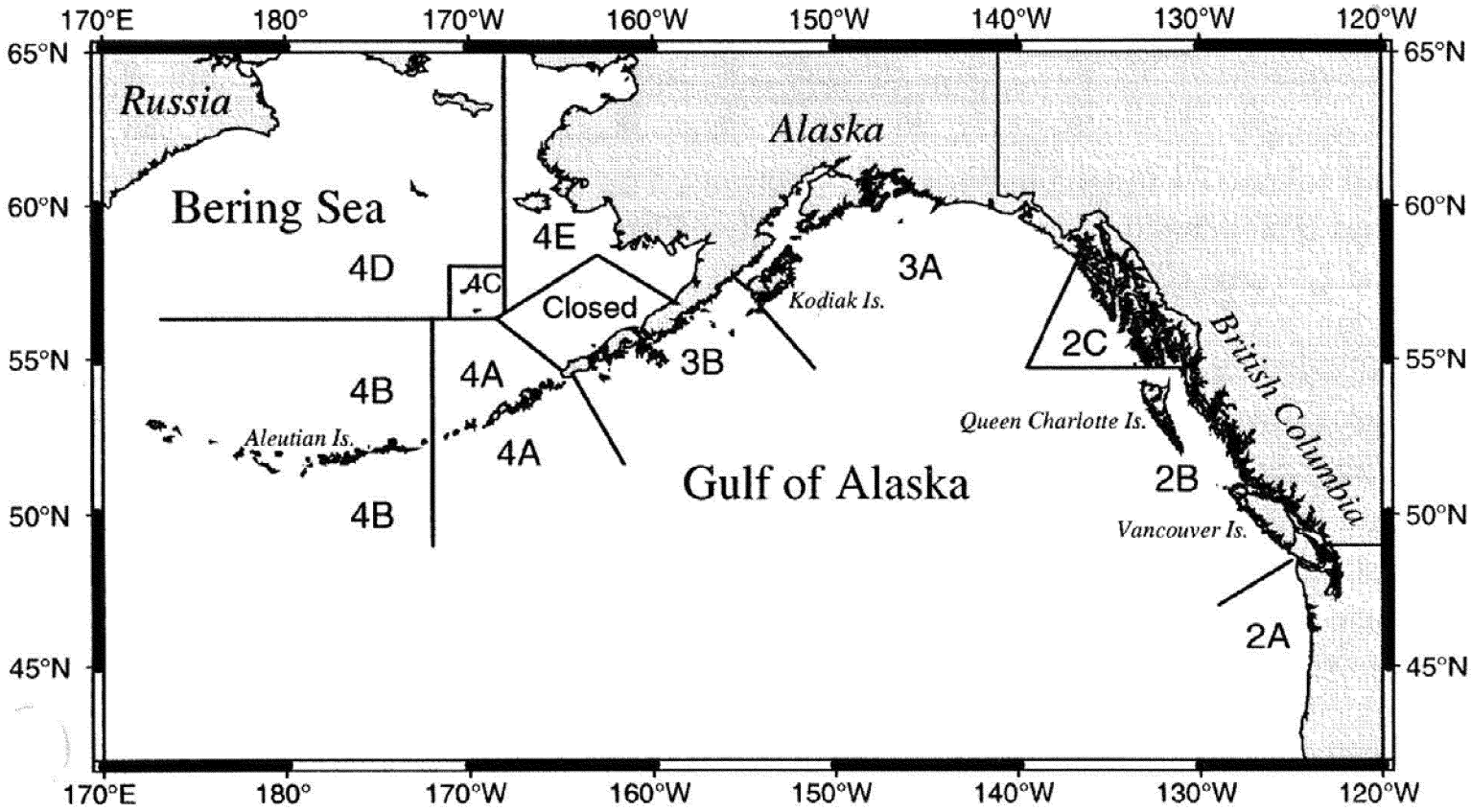

Figure 1. Regulatory areas for the Pacific halibut fishery.

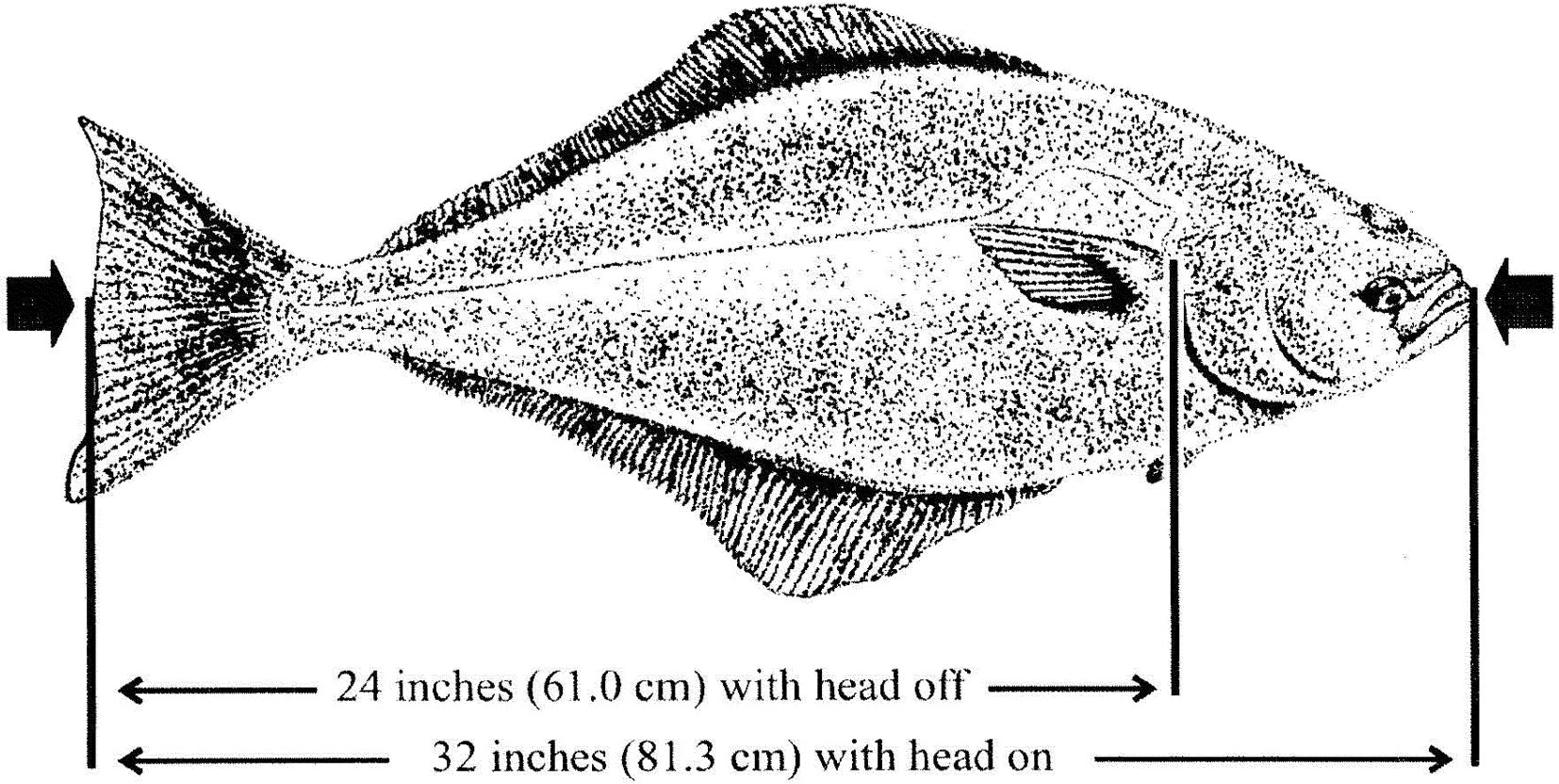

Figure 2. Minimum commercial size.

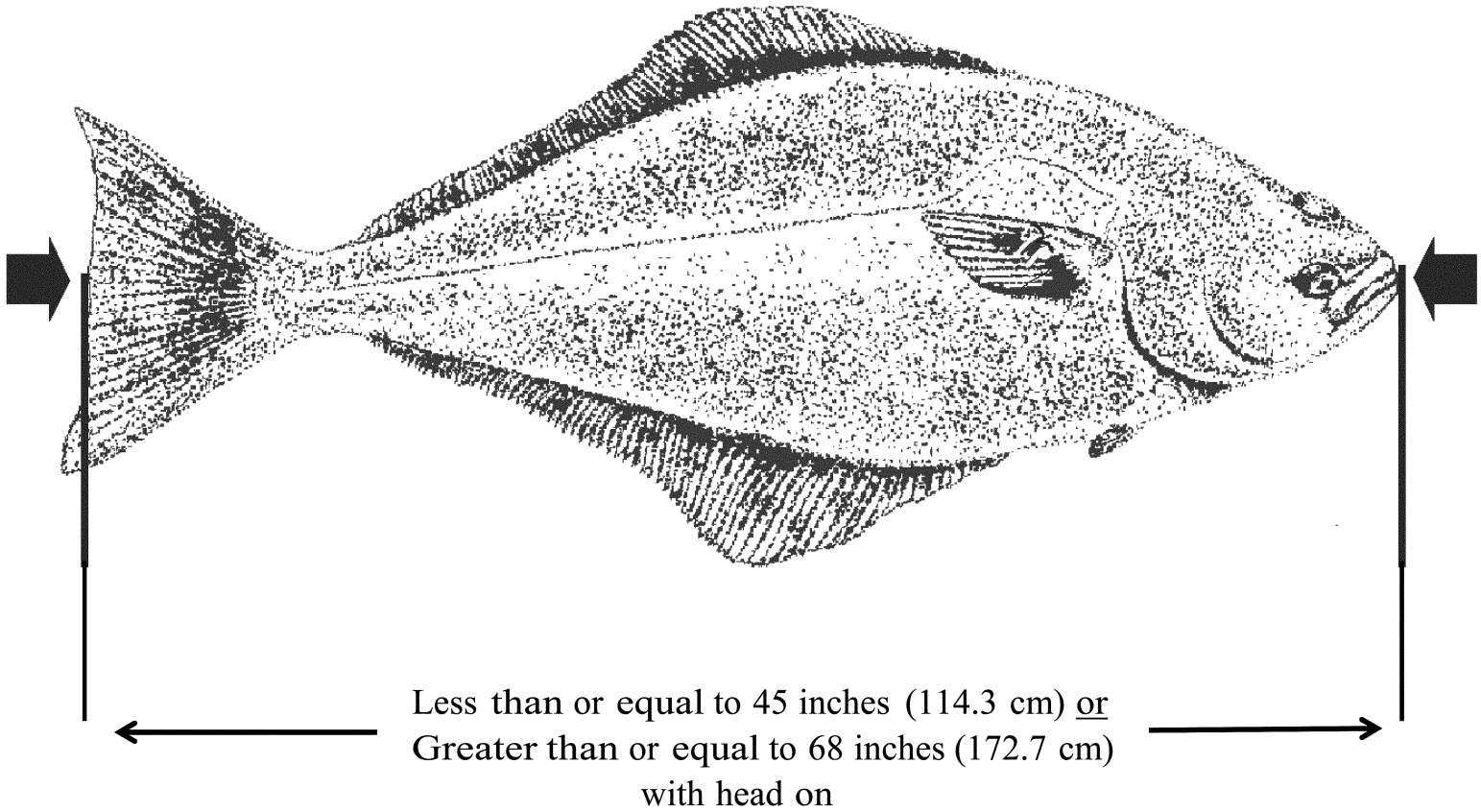

Figure 3. Recreational reverse slot limit for halibut onboard a charter vessel referred to in 50 CFR 300.65 and fishing in Regulatory Area 2C (see Section 28 paragraph 2(a)).

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Classification

IPHC Regulations

These IPHC annual management measures are a product of an agreement between the United States and Canada and are published in the **Federal Register** to provide notice of their effectiveness and content. The notice-and-comment and delay-in-effectiveness date provisions of the Administrative Procedure Act (APA), 5 U.S.C. 553, are inapplicable to IPHC management measures because this regulation involves a foreign affairs function of the United States, 5 U.S.C. 553(a)(1). Furthermore, no other law requires prior notice and public comment for this rule. Because prior notice and an opportunity for public comment are not required to be provided for these portions of this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this portion of the rule and none has been prepared.

2013 Area 2A Catch Sharing Plan, Annual Management Measures and Federal Regulations

Section 5 of the Northern Pacific Halibut Act of 1982 (Halibut Act, 16 U.S.C. 773c) allows the Regional Council having authority for a particular geographical area to develop regulations governing the allocation and catch of halibut in U.S. Convention waters as long as those regulations do not conflict with IPHC regulations. This action is consistent with the Pacific Council's authority to allocate halibut catches among fishery participants in the waters in and off the U.S. West Coast.

This action has been determined to be not significant for purposes of Executive Order 12866.

NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) in association with the proposed rule for the *2013 Area 2A Catch Sharing Plan.* The final regulatory flexibility analysis (FRFA) incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, if any, and NMFS' responses to those comments, and a summary of the analyses completed to support the action. NMFS received no comments on the IRFA. A copy of the FRFA is available from the NMFS Northwest Region (see **ADDRESSES**) and a summary of the FRFA follows.

The main management objective for the Pacific halibut fishery in Area 2A is to manage fisheries to remain within the TAC for Area 2A, while also allowing each commercial, recreational (sport), and tribal fishery to target halibut in the manner that is appropriate to meet both the conservation requirements for species that co-occur with Pacific halibut and the needs of fishery participants in particular fisheries and fishing areas.

The changes to the CSP, which allocates the catch of Pacific halibut among users in Washington, Oregon and California, are as follows:

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 adjusts the spring season schedule from Thursdays–Saturdays to Fridays–Sundays and replaces 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. 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. Eliminating the summer fishery when the Area 2A TAC is below 700,000 lb 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 700,000 lb or greater and 25 percent of the subarea quota if the 2A TAC is less than 700,000 lb.

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 700,000 lb or greater and 75 percent of the subarea quota if the 2A TAC is less than 700,000 lb. Also, adjust the closure date for this fishery if the TAC is less than 700,000 lb 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 700,000 lb or greater and 0 percent of the subarea quota if the 2A TAC is less than 700,000 lb. This closes the summer fishery if the TAC is less than 700,000 lb.

Under the Regulatory Flexibility Act (RFA), NMFS must identify the small entities impacted by this rule, describe the impact, and describe any alternative actions considered. This action will affect fishing entities, including commercial and charter or party boats, and towns or communities in the fishing areas. Under the Small Business Administration's (SBA) regulations implementing the RFA, a fishing entity is considered ''small'' if it has gross annual receipts of less than $4.0 million. A governmental jurisdiction (i.e., town or community) is considered a small entity if it has fewer than 50,000 people. For marinas and charter or party boats, a small business is one with annual receipts not in excess of $7.0 million. Although many small and large nonprofit enterprises track fisheries management issues on the West Coast, the changes to the Plan, codified regulations and annual management measures, will not directly affect those enterprises. Similarly, although many fishing communities are small governmental jurisdictions, no direct regulations for those governmental jurisdictions will result from this rule. However, charter boat operations and participants in the non-treaty directed commercial fishery off the coast of Washington, Oregon, and California, are small businesses that are directly regulated by this rule. These businesses

are vessels that are issued IPHC licenses. In 2012, a total of 604 vessels were issued IPHC licenses to retain halibut: 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 charter boat fleet (141 licenses in 2012). No vessel may participate in more than one of these three fisheries per year.

NMFS analyzed the Pacific States Marine Fisheries Commission PacFIN data for the years 2010–2012. In 2010, 202 non-trawl vessels landed 1.6 million lb of Pacific halibut, and earned $6.5 million in ex-vessel revenues from prices that averaged just over $4.00 per pound. In 2011, 196 non-trawl vessels fishing in the non-tribal commercial fleets (excluding trawlers), landed about 1.1 million lb, 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 lb, earning $5.0 million in ex-vessel revenues, at 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 $7.0 million through November 2012.

The PFMC analyzed 2006–2010 recreational activity (see discussion under 3.2.1.4 ''Recreational Fisheries,'' in the 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, available at *http://www.pcouncil.org*). The PFMC's analysis indicates that the total number of directed charter and private halibut trips has ranged from 19,000 (2009) to 26,000 (2007 and 2008) from the trips recorded as recreational activity from Northern California to the Canadian border. Anglers also take halibut in conjunction with salmon and bottomfish recreational trips. From 2006–2010, the total number of directed recreational trips including directed halibut trips has ranged from 216,000 (2008) to 354,000 (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 5,500 directed halibut trips. The highest charter boat rate found on the internet was $285 per angler trip. Using this rate suggests that charter boat 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 the economic impact of halibut fisheries. Estimates of groundfish revenues and recreational trips can be related to personal income projections. Based on these relationships, NMFS estimated that $8 million in halibut ex-vessel revenues and 26,000 recreational trips led to an estimated $14 million in personal income.

Personal income is considered a key indicator of economic activity, and is used in economic analyses 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 total allowable catch (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 and the PFMC, NMFS is making 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. These minor changes to the Plan are not expected to have a significant economic impact on a substantial number of small entities.

As mentioned in the preamble, WDFW and ODFW held public meetings and crafted alternatives to adjust management of the sport halibut fisheries in their states. The states then narrowed the alternatives under consideration and brought the resulting subset of alternatives to the PFMC at the PFMC's September and November 2012 meetings. The PFMC and the states considered a range of alternatives that could have similarly improved angler enjoyment and participation in the fisheries while simultaneously protecting halibut and co-occurring groundfish species from overharvest. One of the alternatives considered, but ultimately rejected, includes alternate fishery structures, such as opening the sport fisheries on different days of the week than the final preferred alternative. Generally, because they have been through the state public review process by the time the alternatives reach the PFMC, there are not a large number of alternatives. Rather, the range of alternatives has generally been reduced to the proposed action and the status quo. Because the goal of this 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 alternative. The status quo alternative was rejected because it wouldn't align subarea quotas with recent participation nor adjust season subarea quota splits to better match participation.

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 PFMC 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 fishing areas (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 changes to the CSP, have been developed in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

NMFS Northwest Region 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: March 12, 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. 2013–06034 Filed 3–14–13; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 51
Friday, March 15, 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 ENERGY

10 CFR Part 430

[Docket No. EERE–2012–BT–STD–0045]

RIN 1904–AC87

Energy Efficiency Program for Consumer Products: Energy Conservation Standards for Ceiling Fans and Ceiling Fan Light Kits

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 ceiling fans and ceiling fan light kits. DOE also plans to conduct a test procedure rulemaking for these products. 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 comment. DOE will hold an informal public meeting to discuss and receive comments on its 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.

DATES: *Meeting:* DOE will hold a public meeting on Friday, March 22, 2013 from 9:00 a.m. to 2:00 p.m. 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/rulemaking.aspx/ruleid/65* and *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/66.* 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. Friday, March 15, 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., Friday, March 15, 2013.

Comments: DOE will accept written comments, data, and information regarding the Framework Document before and after the public meeting, but no later than April 29, 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. See, Public Participation in **SUPPLEMENTARY INFORMATION** for meeting details.

Interested parties are encouraged to submit comments electronically. However, commenters may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: CeilingFanLightKits2012STD0045@ee.doe.gov.* Include docket number EERE–2011–BT–STD–0045 and/or regulatory identification number (RIN) 1904–AC87 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 Word Perfect, 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 Ceiling Fans and Ceiling Fan Light Kits, Docket No. EERE–2010–BT–STD–0045 and/or RIN 1904–AC87, 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. 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 attendee lists and transcripts, comments, and other supporting document/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=25;D=EERE-2012-BT-STD-0045.* 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: Ms. Lucy deButts, 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) 287–1604. Email: *ceiling_fan_light_kits@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. Email: *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 ceiling fans and ceiling fan light kits that are the subject of this rulemaking. (42 U.S.C. 6295(ff)) 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 Energy Policy Act of 2005 (EPACT 2005), Public Law 109–58, amended EPCA and established energy conservation standards for ceiling fans and ceiling fan light kits, as well as requirements for determining whether these standards should be amended. (42 U.S.C. 6295(ff)) Specifically, EPACT 2005 set design standards for ceiling fans and provided that DOE may consider and issue energy efficiency or energy use standards for electricity used by ceiling fans to circulate air in a room. (42 U.S.C. 6295(ff)(1) and (6)) For ceiling fan light kits, EPACT 2005 set energy conservation standards for ceiling fan light kits with medium screw base sockets, as well as pin-based sockets. (42 U.S.C. 6295(ff)(2)–(3)) The statute also directed DOE to consider and issue requirements for other types of ceiling fan light kits (including candelabra screw base sockets) by January 1, 2007, and if DOE failed to issue such standards by the date specified, the statute provided for an alternative set of requirements for ceiling fan light kits manufactured after January 1, 2010. (42 U.S.C. 6295(ff)) After January 1, 2010, DOE may again consider amended energy efficiency standards for ceiling fan light kits, standards that would apply to products manufactured not earlier than two years after the date of publication of the final rule. (42 U.S.C. 6295(ff)(5))

EPCA defines a ''ceiling fan'' as ''a nonportable device that is suspended from a ceiling for circulating air via the rotation of fan blades'' (42 U.S.C. 6291(49)), and it defines a ''ceiling fan light kit'' as ''equipment designed to provide light from a ceiling fan that can be—(A) integral, such that the equipment is attached to the ceiling fan prior to the time of retail sale; or (B) attachable, such that at the time of retail sale the equipment is not physically attached to the ceiling fan, but may be included inside the ceiling fan at the time of sale or sold separately for subsequent attachment to the fan.'' (42 U.S.C. 6291(50))

Under this statutory structure, DOE promulgated design standards for ceiling fans, performance standards for ceiling fan light kits and test procedures for both ceiling fans and ceiling fan light kits. In a final rule technical amendment published in the **Federal Register** on October 18, 2005, DOE codified the statutory design standards for ceiling fans and the performance standards for ceiling fan light kits in the CFR at 10 CFR 430.32(s). 70 FR 60407, 60413. An additional final rule technical amendment published in the **Federal Register** on January 11, 2007, codified standards for light kits with sockets other than medium-screw base or pin-based fluorescent lamps in the CFR. 72 FR 1270. In a final rule published in the **Federal Register** on December 8, 2006, DOE adopted test procedures for ceiling fans and ceiling fan light kits at 10 CFR part 430, subpart B, appendix U and appendix V, respectively. 71 FR 71340, 71366–67.

DOE is initiating this rulemaking pursuant to 42 U.S.C. 6295(ff)(5)–(6), which allows DOE to consider establishing or amending energy conservation standards for ceiling fans and ceiling fan light kits, and 42 U.S.C. 6295(r), which requires DOE to prescribe test procedures for new or amended energy conservation standards. In addition to considering the energy consumption of these products in active mode, 42 U.S.C. 6295(gg) requires DOE to consider the standby mode and off mode energy consumption of ceiling fans and ceiling fan light kits in amending both its test procedures and energy conservation standards.

To initiate the ceiling fan and ceiling fan light kit energy conservation standards rulemaking, DOE has prepared this Framework Document to explain the relevant issues, analyses, and processes it anticipates using in considering amended energy conservation standards for these products.

This Framework Document also includes DOE's preliminary review of relevant industry test procedures and testing methods used to characterize the performance of ceiling fans and ceiling fan light kits in all modes of operation. DOE has also included in this Framework Document a detailed summary of key issues that DOE is considering in developing its own test procedures and for use in developing energy conservation standards for ceiling fans and ceiling fan light kits. In addition, DOE has identified issues regarding the testing of ceiling fans and ceiling fan light kits on which it is seeking comment. DOE will consider the feedback received in response to this Framework Document in developing proposed test procedures for ceiling fans and ceiling fan light kits. DOE intends to issue a separate notice of proposed rulemaking (NOPR) addressing the test procedures for ceiling fans and ceiling fan light kits. When the test procedure final rule is published, DOE will have complied with the statutory requirements to review ceiling fan and ceiling fan light kit test procedures at least once every 7 years (42 U.S.C. 6293(b)(1)(A)) and to include where applicable, test procedures with new or amended energy conservation standards (42 U.S.C. 6295(r)).

The primary focus of the public meeting noted above will be to discuss the analyses 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 certain ceiling fans and ceiling fan light kits. DOE will also solicit comments, data, and information from participants and other interested parties. In addition, DOE will invite comment on its preliminary determination of the scope of coverage for the ceiling fan energy conservation standards and its preliminary analysis regarding the development of test procedures for ceiling fans and ceiling fan light kits.

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

[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 Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

shipments analysis (which contributes to the national impact analysis).

Public Participation: DOE encourages those who wish to participate in the public meeting to obtain the Framework Document and be prepared to discuss its contents. A copy of the Framework Document is available at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/65* and *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/66.*

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.

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 or energy use standards for these products, associated 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 April 29, 2013, comments and information on matters addressed in the Framework Document and on other matters relevant to DOE's consideration of amended energy conservation standards for ceiling fans and ceiling fan light kits.

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 will be placed on the DOE Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/65* and *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/66.*

After the public meeting and the close of the comment period on the Framework Document, DOE will begin collecting data, conducting the analyses described in the Framework Document and at the public meeting, and reviewing the public comments. Those actions will assist in developing an energy conservation standards NOPR and separate test procedure NOPR for ceiling fans and ceiling fan light kits.

DOE considers public participation to be a vital part of the process for considering amended energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period established for 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 and 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 March 8, 2013.

Kathleen B. Hogan,

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

[FR Doc. 2013–06019 Filed 3–14–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 54

[REG–138006–12]

RIN 1545–BL33

Shared Responsibility for Employers Regarding Health Coverage; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains corrections to a notice of proposed rulemaking and notice of public hearing (REG–138006–12) that was published in the **Federal Register** on Wednesday, January 2, 2013 (78 FR 218). The proposed regulations provide guidance under section 4980H of the Internal Revenue Code with respect to the shared responsibility for employers regarding employee health coverage.

FOR FURTHER INFORMATION CONTACT: Kathryn Johnson at (202) 927–9639 (not a toll free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking and notice of public hearing (REG–138006–12) that is the subject of these corrections are under Section 4980H of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking and notice of public hearing (REG–138006–12) contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the notice of proposed rulemaking and notice of public hearing (REG–138006–12), that was the subject of FR Doc. 2012–31269, is corrected as follows:

■ 1. On page 228, in the preamble, column 3, under the paragraph heading ''4. Employees Rehired After Termination of Employment or Resuming Service After Other Absence'', line 10 of the first full paragraph, the language ''section 2708 of the Affordable Care Act).'' is corrected to read ''section 2708 of the Public Health Service Act).''

■ 2. On page 236, in the preamble, column 2, under the paragraph heading ''A. Plans With Fiscal Year Plan Years'', line 3 of the second paragraph, the language ''members of applicable large employer'' is corrected to read ''applicable large employer''.

■ 3. On page 238, in the preamble, column 1, under the paragraph heading ''D. Applicable Large Employer Members Participating in Multiemployer Plans'', the last paragraph of the column, and the beginning paragraph of column 2, the language ''Under this transition rule, an applicable large employer member will not be treated as failing to offer the opportunity to enroll in minimum essential coverage to a full-time employee (and the employee's dependents) for purposes of section 4980H(a), and will not be subject to a penalty under section 4980H(b) with respect to a full-time employee if (i) the employer is required to make a contribution to a multiemployer plan with respect to the full-time employee pursuant to a collective bargaining agreement or an appropriate related participation agreement, (ii) coverage under the multiemployer plan is offered

to the full-time employee (and the employee's dependents), and (iii) the coverage offered to the full-time employee is affordable and provides minimum value. For purposes of the preceding sentence, whether the employee is a full-time employee is determined under section 4980H(c)(4), whether coverage is affordable is determined under section 36(c)(2)(C)(i), and whether coverage provides minimum value is determined under section 36B(c)(2)(C)(ii). Notwithstanding this transition relief, any waiting period for coverage under the plan must separately comply with 90-day limitation on waiting periods in section 2708 of the Public Health Service Act. Further guidance under section 2708 of the Public Health Service Act will address this limitation.'' is corrected to read ''This transition rule applies to an applicable large employer member that is required by a collective bargaining agreement to make contributions, with respect to some or all of its employees, to a multiemployer plan that offers, to individuals who satisfy the plan's eligibility conditions, coverage that is affordable and provides minimum value, and that offers coverage to those individuals' dependents. Under this transition rule, the applicable large employer member will not be treated, with respect to employees for whom the employer is required by the collective bargaining agreement to make contributions to the multiemployer plan, as failing to offer the opportunity to enroll in minimum essential coverage to full-time employees (and their dependents) for purposes of section 4980H(a), and will not be subject to a penalty under section 4980H(b). For purposes of this paragraph, whether the employee is a full-time employee is determined under section 4980H(c)(4), whether coverage is affordable is determined under section 36B(c)(2)(C)(i), and whether coverage provides minimum value is determined under section 36B(c)(2)(C)(ii). Notwithstanding this transition relief, any waiting period for coverage under the plan must separately comply with the 90-day limitation on waiting periods in section 2708 of the Public Health Service Act. Further guidance under section 2708 of the Public Health Service Act will address this limitation. In addition to the transition rule provided under this section IX.D, the transition rule under section IX.F of this preamble (relief with respect to offers of coverage to dependents) is applicable to multiemployer plans and employers participating in those plans.''.

§ 54.4980H–1 [Corrected]

■ 4. On Page 240, column 3, paragraph (a)(4), the last sentence of the paragraph, the language ''employer status, see § 54.5980H–2'' is corrected to read ''employer status, see § 54.4980H–2''.

LaNita VanDyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2013–05954 Filed 3–14–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG–141066–09]

RIN 1545–BL08

Awards for Information Relating To Detecting Underpayments of Tax or Violations of the Internal Revenue Laws; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of public hearing on notice of proposed rulemaking.

SUMMARY: This document provides a notice of public hearing on proposed regulations that provide comprehensive guidance for the award program authorized under Internal Revenue Code section 7623, as amended. The regulations provide guidance on submitting information regarding underpayments of tax or violations of the internal revenue laws and filing claims for award, as well as on the administrative proceedings applicable to claims for award under section 7623. The regulations also provide guidance on the determination and payment of awards, and provide definitions of key terms used in section 7623. Finally, the regulations confirm that the Director, officers, and employees of the Whistleblower Office are authorized to disclose return information to the extent necessary to conduct whistleblower administrative proceedings.

DATES: The public hearing is being held on Wednesday, April 10, 2013, at 10:00 a.m. The IRS must receive outlines of the topics to be discussed at the public hearing by Wednesday, March 20, 2013.

ADDRESSES: The public hearing is being held in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building.

Send Submissions to CC:PA:LPD:PR (REG–141066–09), room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday to CC:PA:LPD:PR (REG–141066–09), Couriers Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 or sent electronically via the Federal eRulemaking Portal at *www.regulations.gov* (REG–141066–09).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Melissa Jarboe at (202) 622–3620; concerning submissions of comments, the hearing and/or to be placed on the building access list to attend the hearing Oluwafunmilayo Taylor at (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is the notice of proposed rulemaking (REG–141066–09) that was published in the **Federal Register** on Tuesday, December 18, 2012 (77 FR 74798).

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing that submitted written comments by February 19, 2013, must submit an outline of the topics to be addressed and the amount of time to be denoted to each topic by Wednesday, March 20, 2013.

A period of 10 minutes is allotted to each person for presenting oral comments. After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available, free of charge, at the hearing or in the Freedom of Information Reading Room (FOIA RR) (Room 1621) which is located at the 11th and Pennsylvania Avenue NW., entrance, 1111 Constitution Avenue NW., Washington, DC 20224.

Because of access restrictions, the IRS will not admit visitors beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this document.

LaNita VanDyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2013–05956 Filed 3–14–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF EDUCATION

34 CFR Part 75 and Chapter III

Rehabilitation Continuing Education Program (RCEP) for the Technical Assistance and Continuing Education Centers (TACE Centers); Proposed Extension of Project Period and Waiver

[Catalog of Federal Domestic Assistance (CFDA) Number: 84.264A.]

AGENCY: Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services (OSERS), Department of Education.

ACTION: Proposed extension of project period and waiver.

SUMMARY: For 60-month projects initially funded in fiscal year (FY) 2008 under the Rehabilitation Continuing Education Program (RCEP) for the Technical Assistance and Continuing Education Centers (TACE Centers), the Secretary proposes to waive the requirements that generally prohibit project periods exceeding five years and extensions of project periods involving the obligation of additional Federal funds. The Secretary also proposes to extend project periods for one year or longer. The proposed extension and waiver would enable the currently funded TACE Centers to receive funding through September 30, 2014.

DATES: We must receive your comments on or before April 15, 2013.

ADDRESSES: Address all comments about this proposed extension of project period and waiver to RoseAnn Ashby, U.S. Department of Education, 400 Maryland Avenue SW., Room 5055, Potomac Center Plaza, Washington, DC 20202–2800.

If you prefer to send your comments by email, use the following address: *roseann.ashby@ed.gov*. You must include the phrase ''Proposed extension of project period and waiver'' in the subject line of your message.

FOR FURTHER INFORMATION CONTACT: RoseAnn Ashby at the address listed in the **ADDRESSES** section of this notice. Telephone: (202) 245–7258.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments about this proposed extension of project period and waiver. During and after the comment period, you may inspect all public comments about this proposal in room 5055, Potomac Center Plaza, 550 12th Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request, we will supply an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

On June 5, 2008, and October 20, 2008, the Department published notices in the **Federal Register** (73 FR 32006, 73 FR 62263) inviting applications for new awards for FYs 2008 and 2009 for TACE Centers to be funded under the Rehabilitation Training Program, authorized under section 302 of the Rehabilitation Act of 1973, as amended (Rehabilitation Act). The Department awarded grants to a total of 10 TACE Centers—eight in FY 2008, and two in early FY 2009—for a period of 60 months. All 10 projects are scheduled to end in calendar year 2013.

For these projects, the Secretary proposes to waive the requirements in 34 CFR 75.250 and 34 CFR 75.261(c)(2), which prohibit project periods exceeding five years and project period extensions that involve the obligation of additional Federal funds. The Secretary also proposes to extend the project periods for up to 12 months to continue operations.

The purpose of these Centers is to improve the quantity and quality of employment outcomes for individuals with disabilities through enhanced technical assistance (TA) and continuing education (CE) for State vocational rehabilitation (VR) agencies and agency partners that cooperate with State VR agencies in providing VR and other rehabilitation services (e.g., Centers for Independent Living (CILs), Client Assistance Programs (CAPs), and Community Rehabilitation Programs (CRPs)).

The TACE Centers contribute to the following outcomes: Improved quality of VR services, increased effectiveness and efficiency of State VR agencies in delivering VR services, and improved quantity and quality of VR employment outcomes for individuals with disabilities. The TACE Centers must contribute to these outcomes by providing, either directly or through contract, TA to State VR agencies and agency partners. The TACE Centers must also provide CE to employees of State VR agencies and agency partners on topics that are identified jointly by the Rehabilitation Services Administration (RSA) and each TACE Center's advisory committee, and included in the TACE Center's annual work plan.

At this time, the Department does not believe that it would be in the public interest to run a competition under this program for new TACE Centers. The Department is in the process of reviewing and analyzing the current program to determine future needs, strategies, and funding priorities for FY 2014.

On November 8, 2012, the Department published a request for information in the **Federal Register** (77 FR 66959) to allow the Department to gather input on grants awarded under the Rehabilitation Training Program. One section of this notice posed specific questions about how the provision of TA and CE to State VR agencies would be most effective and efficient. The Department is currently analyzing responses to these questions. The Department also plans to conduct several focus groups, meet with the representatives of several national rehabilitation organizations over the next six months, and pose similar questions to these groups. The analysis of the public input obtained from the request for information and the input gathered through meeting with groups of rehabilitation stakeholders will form the basis for future funding priorities.

Since 2008, when the TACE Centers were established, the TA and CE needs of the field have changed as a result of new issues and economic challenges facing State VR agencies. In addition, as a result of technological advances, there are new modes of service delivery that must be fully explored before funding new grants to provide TA and CE to State VR agencies. The Department will need the remainder of FY 2013 to meet with groups of stakeholders and to do the necessary analysis of the public comments received. This will enable the Department to develop a TA and CE strategy for State VR agencies and their partners that maximizes the effectiveness and efficiency of the services provided and addresses the input of a broad spectrum of stakeholders. The Department plans to publish new funding priorities in FY 2014. Conducting a competition before the Department has had an opportunity to seek input from all stakeholders and analyze the current and emerging TA and CE needs of the VR field could result in an ineffective or poorly

targeted investment that would not serve the needs of State VR agencies, their clients, or the public at large.

The Department has also concluded that it would be contrary to the public interest to have a lapse in the provision of TA and CE currently provided by the TACE Centers. Allowing funding to lapse before a new TA and CE delivery system can be implemented would leave State VR agencies and their partners without necessary supports in the event that critical needs arise.

For these reasons, the Secretary proposes to waive the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, and the requirements in 34 CFR 75.261(c)(2), which limits the extension of a project period if the extension involves the obligation of additional Federal funds, and to issue continuation awards to the ten current TACE grantees for a total amount not to exceed $9,000,000. Under this proposal, the eight current TACE grantees with project periods ending on September 30, 2013, would receive funding to operate for an additional 12 months. The two current TACE grantees with project periods ending on December 21, 2013, would receive funds for an additional nine months. Consequently, the expiration date for all 10 grants would be September 30, 2014. Waiving these regulations and issuing these continuation awards will ensure that TA and CE to State VR agencies and their partners will not be interrupted. It will also ensure that the Department has adequate opportunity to solicit feedback and develop a coordinated TA and CE strategy that will best meet the needs of State VR agencies and their partners.

With this proposed extension of project period and waiver, each TACE Center will be required to continue to carry out activities during the year of the continuation award consistent with the scope, goals, and objectives of the grantee's application as approved in the 2008 competition.

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed extension of project period and waiver would not have a significant economic impact on a substantial number of small entities. The only entities that would be affected are the ten current grantees receiving Federal funds to serve as the TACE Centers and any other potential applicants.

The Secretary certifies that the proposed waivers and extensions would not have a significant economic impact on these entities because the proposed waivers and extensions impose minimal compliance costs to extend projects already in existence, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This notice of proposed extension of project period and waiver does not contain any information collection requirements.

Intergovernmental Review: This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 12, 2013.

Michael Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2013–06077 Filed 3–14–13; 8:45 am]

BILLING CODE 4000–01–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1195

[Docket No. ATBCB–2012–0003]

RIN 3014–AA40

Medical Diagnostic Equipment Accessibility Standards Advisory Committee

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of advisory committee meeting.

SUMMARY: The Medical Diagnostic Equipment Accessibility Standards Advisory Committee will hold its fifth meeting. On July 5, 2012, the Architectural and Transportation Barriers Compliance Board (Access Board) established the advisory committee to make recommendations to the Board on matters associated with comments received and responses to questions included in a previously published Notice of Proposed Rulemaking (NPRM) on Medical Diagnostic Equipment Accessibility Standards.

DATES: The Committee will meet on March 26, 2013 from 10:00 a.m. to 5:00 p.m. and on March 27, 2013 from 9:00 a.m. to 2:30 p.m.

ADDRESSES: The meeting will be held at the Access Board's Conference Room, 1331 F Street NW., Suite 800, Washington, DC 20004–1111.

FOR FURTHER INFORMATION CONTACT: Rex Pace, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111. Telephone number (202) 272–0023 (Voice); (202) 272–0052 (TTY). Electronic mail address: *pace@access-board.gov*.

SUPPLEMENTARY INFORMATION: On July 5, 2012, the Access Board established an advisory committee to make recommendations to the Board on matters associated with comments received and responses to questions included in a previously published NPRM on Medical Diagnostic Equipment Accessibility Standards. See 77 FR 6916 (February 9, 2012). The NPRM and information related to the proposed standards are available on the Access Board's Web site at: *http://www.access-board.gov/medical-equipment.htm*.

The advisory committee will hold its fifth meeting on March 26 and 27, 2013. The agenda includes the following:

- Review of previous committee work;
- Review and discussion of subcommittee work and recommendations;
- Continued discussion on recommendations for transfer surface height and Transfer support location and configuration
- Consideration of issues proposed by committee members; and
- Discussion of administrative issues.

The preliminary meeting agenda, along with information about the committee, is available at the Access Board's Web site (*http://www.access-board.gov/medical-equipment.htm*).

Committee meetings are open to the public and interested persons can attend the meetings and communicate their views. Members of the public will have opportunities to address the committee on issues of interest to them during public comment periods scheduled on each day of the meeting.

The meetings will be accessible to persons with disabilities. An assistive listening system, computer assisted real-time transcription (CART), and sign language interpreters will be provided. Persons attending the meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants (see *www.access-board.gov/about/policies/fragrance.htm* for more information). Also, persons wishing to provide handouts or other written information to the committee are requested to provide electronic formats to Rex Pace via email prior to the meetings so that alternate formats can be distributed to committee members.

David M. Capozzi,

Executive Director.

[FR Doc. 2013–05936 Filed 3–14–13; 8:45 am]

BILLING CODE 8150–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2012–0650; FRL–9789–8]

Approval and Promulgation of Air Quality Implementation Plans; Indiana; Consent Decree Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a portion of Indiana's construction permit rule for sources subject to the state operating permit program regulations at 40 CFR part 70. These provisions authorize the state to incorporate terms from Federal consent decrees or Federal district court orders into these construction permits. EPA is also approving public notice requirements for these permit actions. These rules will help streamline the process for making Federal consent decree and Federal district court order requirements permanent and Federally enforceable.

DATES: Comments must be received on or before April 15, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2012–0650, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: damico.genevieve@epa.gov.*
3. *Fax:* (312) 385–5501.
4. *Mail:* Genevieve Damico, Chief, Air Permits Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Genevieve Damico, Chief, Air Permits Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Sam Portanova, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3189, *portanova.sam@epa.gov.*

SUPPLEMENTARY INFORMATION: 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 the Agency 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 rule, 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. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: March 4, 2013.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2013–05953 Filed 3–14–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0113; FRL–9790–9]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Prevention of Significant Deterioration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to disapprove a narrow portion of a State Implementation Plan (SIP) revision submitted by the State of West Virginia on August 31, 2011. EPA is proposing this action because a narrow portion of the submittal does not satisfy the Federal requirement for the inclusion of condensable emissions of particulate matter (condensables) within the definition of ''regulated new source review (NSR) pollutant.'' Additionally, because West Virginia's August 31, 2011 SIP revision does not adequately account for condensable emissions within the definition of ''regulated NSR pollutant,'' EPA is also proposing to disapprove specific Prevention of Significant Deterioration (PSD) portions of related infrastructure submissions required by the Clean Air Act (CAA) to implement, maintain, and enforce the 1997 fine particulate matter ($PM_{2.5}$) and ozone National Ambient Air Quality Standards (NAAQS), the 2006 $PM_{2.5}$ NAAQS, and the 2008 lead and ozone

NAAQS. This action is being taken under the CAA.

DATES: Written comments must be received on or before April 15, 2013.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2013–0113 by one of the following methods:

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

B. *Email: cox.kathleen@epa.gov.*

C. *Mail:* EPA–R03–OAR–2013–0113, Kathleen Cox, Associate Director, Office of Permits and Air Toxics, Mailcode 3AP10, 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–2013–0113. 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 West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Mike Gordon, (215) 814–2039, or by email at *gordon.mike@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Federal Definition of ''Regulated NSR Pollutant''

On May 16, 2008, EPA promulgated a rule to implement the 1997 $PM_{2.5}$ NAAQS, including changes to the NSR program (the NSR $PM_{2.5}$ Rule). *See* 73 FR 28321. The 2008 NSR $PM_{2.5}$ Rule revised the NSR program requirements to establish the framework for implementing preconstruction permit review for the $PM_{2.5}$ NAAQS in both attainment and nonattainment areas. Among other things, the 2008 NSR $PM_{2.5}$ Rule required states to account for condensables in emissions of particulate matter (PM), PM less than or equal to ten micrometers in diameter (PM_{10}), and $PM_{2.5}$ no later than January 1, 2011. In an October 25, 2012 final rule (77 FR 65107), EPA clarified that condensable PM should be included as part of the emissions measurements only for regulation of $PM_{2.5}$ and $PM_{10.}$ The final rule removed the inadvertent requirement in the 2008 NSR $PM_{2.5}$ Rule that measurements of condensable PM be included as part of the measurement and regulation of PM.

B. U.S. Court of Appeals' Decision in Natural Resources Defense Council v. EPA

On January 4, 2013, the U.S. Court of Appeals, in *Natural Resources Defense Council* v. *EPA,* No. 08–1250, 2013 WL 45653 (D.C. Cir., filed July 15, 2008) (consolidated with 09–1102, 11–1430), issued a judgment that remanded EPA's 2007 and 2008 rules implementing the 1997 $PM_{2.5}$ NAAQS. The Court ordered the EPA to ''repromulgate these rules pursuant to Subpart 4 consistent with this opinion.'' *Id.* at *8. Subpart 4 of Part D, Title 1 of the CAA establishes additional provisions for particulate matter nonattainment areas.

The 2008 implementation rule addressed by the court decision, ''Implementation of New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$),'' 73 FR 28321 (May 16, 2008), promulgated NSR requirements for implementation of $PM_{2.5}$ in both nonattainment areas (nonattainment NSR) and attainment/unclassifiable areas (PSD). As the requirements of Subpart 4 only pertain to nonattainment areas, EPA does not consider the portions of the 2008 rule that address requirements for $PM_{2.5}$ attainment and unclassifiable areas to be affected by the Court's opinion. Moreover, EPA does not anticipate the need to revise any PSD requirements promulgated in the 2008 rule in order to comply with the Court's decision. Accordingly, EPA's narrow disapproval of West Virginia's infrastructure SIP as to elements (C), (D)(i)(II), or (J) with respect to the PSD requirements promulgated by the 2008 implementation rule does not conflict with the Court's opinion.

The Court's decision with respect to the nonattainment NSR requirements promulgated by the 2008 implementation rule also does not affect EPA's current action on the related infrastructure submittals. EPA interprets the Act to exclude nonattainment area requirements, including requirements associated with a nonattainment NSR program, from infrastructure SIP submissions due three years after adoption or revision of a NAAQS. Instead, these elements are typically referred to as nonattainment SIP or attainment plan elements, which would be due by the dates statutorily prescribed under subpart 2 through 5 under part D, extending as far as 10 years following designations for some elements.

C. West Virginia's August 2011 SIP Submission

On August 31, 2011, the State of West Virginia through the West Virginia Department of Environmental Protection (WVDEP) submitted a formal revision to its SIP (the August 2011 SIP submission). The August 2011 SIP submission consisted of amendments to the PSD permitting regulations under West Virginia State Rule 45CSR14. On July 31, 2012 (77 FR 45302), EPA proposed full approval of West Virginia's August 2011 SIP submission, as well as the PSD portions of other related infrastructure submissions required by the CAA which are

necessary to implement, maintain, and enforce the 1997 $PM_{2.5}$ and ozone NAAQS, the 2006 $PM_{2.5}$ NAAQS, and the 2008 lead and ozone NAAQS. During the public comment period, EPA received adverse comment on West Virginia State Rule 45CSR14 and the extent to which condensables were not included in the rule. The commenter stated that West Virginia's PSD regulations did not properly account for condensable emissions of PM. The inclusion of condensable emissions of PM is required by the Federal counterpart language in 40 CFR 52.21 and 51.166 and the NSR $PM_{2.5}$ Rule.

In light of this comment, in an October 17, 2012 final rule (77 FR 63736), EPA granted full approval of West Virginia's August 2011 SIP submission, as well as the PSD portions of other related infrastructure SIP submissions required by the CAA, with the exception of the narrow issue of the requirement to include condensables in the definition of ''regulated NSR pollutant.'' In the October 17, 2012 final rule, EPA stated that West Virginia State Rule 45CSR14 would be reviewed to determine the extent to which condensables were addressed in the August 2011 SIP submission and that this issue would be addressed in a separate rulemaking action. *See* 77 FR 63736.

II. Summary of SIP Revision

As previously stated, on October 17, 2012, EPA granted full approval to the August 2011 SIP submission and PSD portions of other related infrastructure elements required by the CAA, with the exception of the narrow issue of the requirement to include condensables in the definition of ''regulated NSR pollutant.'' Subsequently, EPA has reviewed the remaining portion of the West Virginia August 2011 SIP submission regarding the definition of ''regulated NSR pollutant'' and is proposing to determine that condensable emissions are omitted from the 45CSR14 definition of ''regulated NSR pollutant.'' Therefore, this remaining portion of the August 2011 SIP submission does not satisfy the requirements of the corresponding Federal definition of ''regulated NSR pollutant'' and the NSR $PM_{2.5}$ Rule. EPA is therefore proposing to disapprove this remaining narrow portion of the August 2011 SIP submission. Also, because condensable emissions are a requirement for a PSD program by CAA section 110(a)(2)(C), (D)(i)(II) and (J), EPA is proposing to disapprove the narrow part of the PSD portions related to the definition of ''regulated NSR pollutant'' in other related West Virginia infrastructure SIP submissions required by the CAA which are necessary to implement, maintain, and enforce the 1997 $PM_{2.5}$ and ozone NAAQS, the 2006 $PM_{2.5}$ NAAQS, and the 2008 lead and ozone NAAQS.

III. Proposed Action

EPA is proposing to disapprove the narrow portion of West Virginia's August 2011 SIP submission related to the failure to include condensables in the ''regulated NSR pollutant'' definition on which we took no action in the October 17, 2012 final rule. *See* 77 FR 63736.

Specifically, EPA is proposing to disapprove a narrow portion of West Virginia's August 2011 SIP submission because it does not satisfy the requirement that $PM_{2.5}$ and PM_{10} emissions shall include gaseous emissions from a source or activity which condense to form PM at ambient temperatures. Because these grounds for disapproval are narrow and extend only to the lack of condensable emissions within the definition of ''regulated NSR pollutant,'' this proposal does not alter EPA's October 17, 2012 approval of the remaining portions of West Virginia's August 2011 SIP submittal.

Additionally, EPA is proposing to disapprove specific portions of West Virginia's infrastructure SIP submissions dated December 3, 2007, December 11, 2007, April 3, 2008, October 1, 2009, October 26, 2011, and February 17, 2012 (collectively, the West Virginia Infrastructure SIP Submissions) which address certain obligations set forth at CAA sections 110(a)(2)(C), (D)(i)(II) and (J) relating to the West Virginia PSD permit program. In the October 17, 2012 final rule, EPA granted full approval of the PSD portions of the West Virginia infrastructure SIP submissions, with the exception of the narrow issue of the requirement to include condensables in the definition of ''regulated NSR pollutant.'' Because West Virginia's definition of ''regulated NSR pollutant'' in 45CSR14 does not address condensables, EPA is proposing to determine that West Virginia's infrastructure SIP submissions do not meet certain statutory and regulatory obligations relating to a PSD permit program set forth at CAA sections 110(a)(2)(C), (D)(i)(II) and (J) for the narrow issue of condensables as set forth in the table below. EPA is proposing to disapprove the narrow portion of the October 26, 2011 and February 17, 2012 infrastructure SIP submissions from West Virginia because West Virginia has not met its obligations relating to the PSD permit program pursuant to CAA section 110(a)(2)(C), (D)(i)(II), and (J) due to the failure to include condensables in the definition of ''regulated NSR pollutant.'' EPA is also proposing to disapprove the narrow portion of the December 3, 2007, December 11, 2007, April 3, 2008, and October 1, 2009 infrastructure SIP submissions from West Virginia because West Virginia has not met its obligations relating to the PSD permit program pursuant to CAA section 110(a)(2)(D)(i)(II) for the 1997 $PM_{2.5}$ and ozone NAAQS and the 2006 $PM_{2.5}$ NAAQS due to the failure to include condensables in the definition of ''regulated NSR pollutant.'' Specific infrastructure elements and submittal dates are listed in the following table.

Submittal(s) dated	NAAQS	Infrastructure element(s) proposed to be disapproved in this action
December 11, 2007	1997 $PM_{2.5}$	110(a)(2)(D)(i)(II).
April 3, 2008.		
December 3, 2007	1997 ozone	110(a)(2)(D)(i)(II).
December 11, 2007.		
October 1, 2009	2006 $PM_{2.5}$	110(a)(2)(D)(i)(II).
October 26, 2011	2008 lead	110(a)(2)(D)(i)(II), (C), and (J).
February 17, 2012	2008 ozone	110(a)(2)(D)(i)(II), (C), and (J).

Under CAA section 179(a), final disapproval of a submission that addresses a requirement of a Part D Plan (CAA sections 171–193), or is required in response to a finding of substantial inadequacy as described in CAA section 110(k)(5) starts a sanction clock. The specific provisions in the submissions we are proposing to disapprove, due to

the omission of condensables in the definition of ''regulated NSR pollutant,'' were not submitted by West Virginia to meet either of those requirements. Therefore, if EPA takes final action to disapprove these submissions, no sanctions under CAA section 179 will be triggered.

The full or partial disapproval of a SIP revision triggers the requirement under CAA section 110(c) that EPA promulgate a Federal Implementation Plan (FIP) no later than two years from the date of the disapproval unless the State corrects the deficiency, and the Administrator approves the plan or plan revision before the Administrator promulgates such FIP. From discussions with the State, EPA anticipates that WVDEP will make a submission rectifying the deficiency regarding condensables. Further, EPA anticipates acting on WVDEP's submissions within the two year time frame prior to our FIP obligation on this very narrow issue. In the interim, EPA expects WVDEP to account for condensable emissions of PM consistent with Federal regulations for PSD permitting. EPA is soliciting public comments only 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. In this case, EPA is proposing to disapprove a narrow portion of the West Virginia August 2011 SIP submittal and PSD portions of other related infrastructure submissions required by the CAA that do not meet Federal requirements. 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 does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the proposed rule to disapprove a narrow provision in the August 2011 SIP submission and to disapprove narrow portions related to the definition of ''regulated NSR pollutant'' in portions of the West Virginia infrastructure SIP submissions is not approved to apply in Indian country located in the state, and EPA notes that this action 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: March 6, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2013–06068 Filed 3–14–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2010–0406; FRL–9790–8]

Approval and Promulgation of Implementation Plans; North Dakota; Regional Haze State Implementation Plan; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Regional Haze; Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On April 6, 2012, EPA published a final rule partially approving and partially disapproving a North Dakota State Implementation Plan (SIP) submittal addressing regional haze submitted by the Governor of North Dakota on March 3, 2010, along with SIP Supplement No. 1 submitted on July 27, 2010, and part of SIP Amendment No. 1 submitted on July 28, 2011. The Administrator subsequently received a petition requesting EPA to reconsider certain provisions in the final rule. Specifically, the petition raised several objections to EPA's approval of the State's best available retrofit technology (BART) emission limits for nitrogen oxides (NO_X) for Milton R. Young Station Units 1 and 2 and Leland Olds Station Unit 2, which are coal-fired power plants in North Dakota.

In this action, EPA is initiating the reconsideration of its approval of the NO_X BART limits for these units, proposing to affirm its approval of these limits, and requesting comment on this proposal. We are not reconsidering or requesting comment on any other provisions of the final rule.

DATES: *Comments:* Comments must be received on or before May 14, 2013 unless a public hearing is held, which would extend the comment period (see below).

Public Hearing: If anyone contacts EPA requesting to speak at a public hearing by April 8, 2013, a public hearing will be held in May 2013 in Bismarck, North Dakota. If a public hearing is held, the record for this action will remain open for 30 days after the hearing to accommodate submittal of information related to a public hearing and any other comments on this action, and EPA will publish a document in the **Federal Register** extending the comment period. For more information on a public hearing and requests to speak, see the *General Information* section of this preamble.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2010–0406, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: r8airrulemakings@epa.gov.*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** section if you are faxing comments).
- *Mail:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2010–0406. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://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 *http://www.regulations.gov* or email. The *http://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 *http://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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Gail Fallon, EPA Region 8, at (303) 312–6281, or *Fallon.Gail@epa.gov.*

SUPPLEMENTARY INFORMATION:

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Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

- The word *Act* or initials *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.
- The initials *ASOFA* mean or refer to advanced separated overfire air.
- The initials *BACT* mean or refer to best available control technology.
- The initials *BART* mean or refer to best available retrofit technology.
- The initials *EGU* mean or refer to electric generating unit.
- The words *we, us* or *our* or the initials EPA mean or refer to the United States Environmental Protection Agency.
- The initials *FIP* mean or refer to federal implementation plan.
- The initials *LOS* mean or refer to Leland Olds Station.
- The initials *MRYS* mean or refer to Milton R. Young Station.
- The words *North Dakota* and *State* mean the State of North Dakota unless the context indicates otherwise.
- The initials NO_X mean or refer to nitrogen oxides.
- The initials *PSD* mean or refer to prevention of signification deterioration.
- The initials *SCR* mean or refer to selective catalytic reduction.
- The initials *SIP* mean or refer to state implementation plan.
- The initials *SNCR* mean or refer to selective non-catalytic reduction.

I. General Information

A. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

b. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

c. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

d. Describe any assumptions and provide any technical information and/or data that you used.

e. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

f. Provide specific examples to illustrate your concerns, and suggest alternatives.

g. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

h. Make sure to submit your comments by the comment period deadline identified.

B. What information should I know about a public hearing?

EPA will hold a public hearing on today's document only if it receives a request to present oral testimony on the issues addressed in today's document by April 8, 2013. Any person wishing to present oral testimony should notify Ms. Gail Fallon at (303) 312–6281 by 5 p.m. mountain time on April 8, 2013. If a public hearing is held, it will be held in May 2013 in Bismarck, North Dakota. We will post information on the specifics on our Web site at *http://www.epa.gov/region8/air/* and by publishing a **Federal Register** document at least 15 days before the date of the hearing. The document announcing a hearing would also extend the public comment period for 30 days following the date of the public hearing. A public hearing would provide interested parties the opportunity to present data, views, or arguments concerning this document.

Interested parties may also submit written comments, as discussed in the proposal. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at a public hearing. We will not respond to comments during a public hearing, may limit oral testimony to five minutes, and will not provide equipment for showing overhead slides or computerized slide presentations. When we publish our final action, we will provide written responses to all oral and written comments received on our proposal.

II. Background

On March 3, 2010, the State of North Dakota submitted a regional haze SIP submittal for approval into the North Dakota SIP.[1] The SIP included the State's NO_X BART determinations for Milton R. Young Station (MRYS) Units 1 and 2 and Leland Olds Station (LOS) Unit 2. Based on its conclusion that selective non-catalytic reduction (SNCR) plus advanced separated overfire air (ASOFA) represented BART at these units, the State adopted NO_X BART limits of 0.36, 0.35, and 0.35 pounds per million British thermal units (lb/MMBtu), respectively, on a 30-day rolling average basis. The State rejected selective catalytic reduction (SCR), a more effective NO_X control technology, as BART.

In our proposed action, we proposed to disapprove the State's NO_X BART determinations for these units. *See* 76 FR 58570, 58573 (September 21, 2011). In our final rule, we changed our position and approved the State's NO_X BART determinations for these units. 77 FR 20894, 20897 (April 6, 2012). We based our change on a December 21, 2011, U.S. District Court decision that was issued after the close of the public comment period. *Id.* at 20897–20898.

On June 4, 2012, Earthjustice, on behalf of the National Parks Conservation Association and the Sierra Club, submitted a petition for reconsideration of our final rule under section 307(d)(7)(B) of the CAA requesting that EPA reconsider its approval of the State's NO_X BART determinations for MRYS Units 1 and 2 and LOS Unit 2. The petition asserts that the environmental groups were unable to raise their objections to EPA's reliance on the District Court decision during the comment period because of the timing of that decision and that their objections are of central relevance to EPA's final rule because EPA relied on the District Court decision in explaining the basis for its final rule. In a letter to Earthjustice dated November 19, 2012, EPA granted reconsideration of its final rule in order to allow for public comment on the specific issues raised in the petition. In that letter, we indicated that we would publish a notice of proposed rulemaking to address the State's NO_X BART determinations and limits for the three units as part of a reasonable progress analysis.

III. Today's Action

A. Reconsideration and Proposal To Affirm

EPA is initiating the reconsideration of its approval of the State's NO_X BART determination and limits for MRYS Units 1 and 2 and LOS Unit 2 and proposing to affirm its approval of the determination and limits. We are not reconsidering or requesting comment on any other provisions of the final rule.

B. Rationale for Our Proposal To Affirm

On July 27, 2006, the U.S. District Court for the District of North Dakota entered a consent decree between EPA, the State, and Minnkota Power Cooperative (''Minnkota''). The consent decree resulted from an enforcement action that EPA and the State brought against Minnkota for alleged violations of prevention of significant deterioration (PSD) permitting requirements at MRYS Units 1 and 2. The consent decree called for North Dakota to make a best available control technology (BACT) determination for NO_X for MRYS Units 1 and 2 and provided a dispute resolution procedure in the event of disagreement regarding the BACT determination.

In November 2010, North Dakota determined BACT for NO_X to be limits of 0.36 lb/MMBtu for MRYS Unit 1 and 0.35 lb/MMBtu for MRYS Unit 2 based on the use of SNCR technology, with separate limits during startup. In reaching this decision, North Dakota eliminated SCR as BACT based on its finding that SCR was not technically feasible to control emissions from an electric generating unit (EGU) burning North Dakota lignite coal. In particular, North Dakota noted that no SCR has ever been employed on an EGU burning North Dakota lignite, that North Dakota lignite has unique properties that have the potential to quickly degrade the SCR catalyst, and that no catalyst vendor supplied with the specifications for the coal at MRYS Units 1 and 2 would provide a guarantee of catalyst life without first conducting slipstream or pilot tests at MRYS.

EPA disagreed with North Dakota's findings and the selection of SNCR as BACT and initiated the dispute resolution process under the consent decree. Under the consent decree, the court was to uphold North Dakota's BACT determination unless the disputing party was able to demonstrate that North Dakota's decision was unreasonable.

On December 21, 2011, following briefing by the parties, and consideration of North Dakota's record for its BACT determination, the court determined that EPA had not demonstrated that North Dakota's findings were unreasonable.[2] The court decided that North Dakota, based on the administrative record for its BACT determination, had a reasonable basis for concluding that SCR is not technically feasible for treating North Dakota lignite at MRYS. *Id.* The court upheld North Dakota's determination that SNCR is BACT. *Id.*

Two critical principles expressed in our BART guidelines[3] are relevant here. First, as part of a BART analysis, technically infeasible control options

[1] For a full discussion of regional haze requirements, please see our proposal at 76 FR 58574, 58576.

[2] Order Denying Plaintiff's Motion to Stay and Motion for Dispute Resolution, *United States, et al.,* v. *Minnkota Power Cooperative, Inc., et al.,* United States District Court for the District of North Dakota, Southwestern Division, Civil Action No. 1:06–cv–034, Docket EPA–R08–OAR–2010–0406–0365.

[3] Among other things, EPA's BART guidelines, codified at 40 CFR part 51, appendix Y, describe a set of steps for determining BART. CAA section 169A(b)(2) requires that BART be determined pursuant to the BART guidelines for power plants with a total generating capacity over 750 megawatts. With respect to other BART sources, the BART guidelines reflect EPA's interpretations regarding certain key principles related to BART, including the two principles described in the text.

are eliminated from further review. For BART, EPA's criteria for determining whether a control option is technically infeasible are substantially the same as the criteria used for determining technical infeasibility in the BACT context. 70 FR 39165; EPA's ''New Source Review Workshop Manual,'' pages B.17–B.22.[4] In the BART context, a technology is feasible if it is available and applicable. 70 FR 39165. A technology is available if it can be obtained through commercial channels. An available technology is applicable if it can reasonably be installed and operated on the source under consideration.*Id.* The BACT analysis for technical feasibility employs the same approach. It, too, uses the concepts of availability and applicability and defines those terms in the same manner as the BART guidelines.

The second critical principle is that states generally may rely on a BACT determination for a source for purposes of determining BART for that source, unless new technologies have become available or best control levels for recent retrofits have become more stringent. 70 FR 39164. As a general rule, the selection of a recent BACT level as BART is the equivalent of selecting the most stringent level of control, and consideration of the five statutory BART factors becomes unnecessary.

In deciding our challenge to the information and analyses relied upon by North Dakota, the U.S. District Court upheld North Dakota's recent BACT determination based on the same technical feasibility criteria that apply in the BART context. In light of the court's decision and the views we have expressed in our BART guidelines on the relationship of BACT to BART, we concluded in our final rule that it would be inappropriate to proceed with our proposed disapproval of SNCR as BART and our proposed federal implementation plan (FIP) to impose SCR at MRYS Units 1 and 2 and LOS Unit 2. 77 FR 20898. While LOS Unit 2 was not the subject of the BACT determination, the same reasoning that applies to MRYS Units 1 and 2 also applies to LOS Unit 2. It is the same type of boiler burning North Dakota lignite coal, and North Dakota's views regarding technical infeasibility that the U.S. District Court upheld in the MRYS BACT case apply to it as well.

While we do not view the U.S. District Court's decision regarding technical infeasibility as legally binding concerning our evaluation of the State's BART determinations at MRYS Units 1 and 2 and LOS Unit 2, we find it appropriate, under the unique circumstances involved here, to accord substantial weight to the District Court's decision and the State's BACT determination. The District Court evaluated competing arguments advanced by the State, Minnkota, and EPA, as well as an extensive record,[5] and concluded that the State had not reached an unreasonable conclusion about technical feasibility. The District Court affirmed the State's choice of SNCR plus ASOFA as BACT. Our BART guidelines indicate that recent BACT determinations generally may be considered BART without further analysis. Based on these facts, we are not acting arbitrarily or capriciously, or unreasonably, in determining that the State's selection of SNCR plus ASOFA as BART at MRYS Units 1 and 2 and LOS Unit 2 is reasonable and should be approved.[6] We note that evaluations of technical feasibility often change over time and that we may reach a different conclusion about the technical feasibility of SCR at these plants in the future as part of a reasonable progress analysis. The regional haze program requires additional reasonable progress reviews over time on the multi-year path for states to reach the ultimate visibility goal of the CAA.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action would merely approve state law as meeting federal requirements and would impose no additional requirements beyond those imposed by state law. In this reconsideration, EPA is proposing to affirm its prior approval of North Dakota SIP requirements for two sources in North Dakota. This type of action is exempt from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). Because the action applies to just two facilities, the Paperwork Reduction Act does not apply.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's action on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In this reconsideration, EPA is proposing to affirm its prior approval of North Dakota SIP requirements for two sources in North Dakota. The proposed action, if finalized, merely would approve state law as meeting federal requirements and would impose no additional requirements beyond those imposed by state law. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act (UMRA)

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538, requires federal agencies, unless prohibited by law, to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. The action imposes no enforceable duty on any state, local or tribal governments or the private sector. In this reconsideration, EPA is proposing to affirm its prior approval of North Dakota SIP requirements for two sources in North Dakota. The proposed

[4] See docket EPA–R08–OAR–2010–0406–0038.

[5] We note that the State submitted the record from the BACT proceeding to us on July 28, 2011 as a SIP revision and again during the comment period on our September 21, 2011 notice of proposed rulemaking on the State's regional haze SIP.

[6] The associated BART limits are 0.36 lb/MMBtu for MRYS Unit 1, 0.35 lb/MMBtu for MRYS Unit 2, and 0.35 lb/MMBtu for LOS Unit 2, on a 30-day rolling average basis. The SIP contains separate limits for MRYS Units 1 and 2 during startup of 2070.1 and 3995.6 pounds per hour, respectively, on a 24-hour rolling average basis. See SIP section 7.4.2, p. 74.

action, if finalized, merely would approve state law as meeting federal requirements and would impose no additional requirements beyond those imposed by state law.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. Again, in this reconsideration, EPA is proposing to affirm its prior approval of North Dakota SIP requirements for two sources in North Dakota. The proposed action, if finalized, merely would approve state law as meeting federal requirements and would impose no additional requirements beyond those imposed by state law.

E. Executive Order 13132: Federalism

This action would not have substantial direct effects 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, as specified in Executive Order 13132, because, if finalized, it merely would approve state law as meeting federal requirements and would impose no additional requirements beyond those imposed by state law. Thus, Executive Order 13132 does not apply to this action. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and state and local governments, EPA specifically solicits comment on this action from state and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 because it does not impose substantial direct compliance costs and does not preempt tribal law. In this reconsideration, EPA is proposing to affirm its prior approval of North Dakota SIP requirements for two sources in North Dakota. The proposed action, if finalized, merely would approve state law as meeting federal requirements and would impose no additional requirements beyond those imposed by state law. Thus, Executive Order 13175 does not apply to this rule. EPA specifically solicits additional comment on this action from tribal officials.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to EO 13045 (62 FR 19885, April 23, 1997) because it implements specific standards established by Congress in statutes. In addition, it is not an economically significant regulatory action because it applies to only two facilities and merely proposes to approve state law as meeting federal requirements; it would impose no additional requirements beyond those imposed by state law. This action would not present a disproportionate health or safety risk to children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

VCS are inapplicable to this action because application of those requirements would be inconsistent with the Clean Air Act.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994), establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

We have determined that this action, if finalized, will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. The action, if finalized, merely would approve state law as meeting federal requirements and would impose no additional requirements beyond those imposed by state law.

List of Subjects in 40 CFR Part 52

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

Dated: March 8, 2013.

Bob Perciasepe,

Acting Administrator.

[FR Doc. 2013–06072 Filed 3–14–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 10–90; DA 13–284]

Service Obligations for Connect America Phase II and Determining Who Is an Unsubsidized Competitor

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission seeks comment on how it will determine which census blocks are served by an unsubsidized competitor, how price cap carriers will demonstrate they are meeting the Commission's requirements for reasonable comparability, and what other providers will need to demonstrate to be deemed unsubsidized competitors.

DATES: Comments are due on or before March 28, 2013 and reply comments are due on or before April 12, 2013. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit comments, identified by WC Docket No. 10–90, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web Site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *People With Disabilities:* Contact the FCC to request reasonable

accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Ryan Yates, Wireline Competition Bureau, (202) 418–0886 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Wireline Competition Bureau's Public Notice in WC Docket No. 10–90, and DA 13–284, released February 26, 2013. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. These documents may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160 or (202) 863–2893, facsimile (202) 863–2898, or via the Internet at *http://www.bcpiweb.com*. It is also available on the Commission's Web site at *http://www.fcc.gov*.

I. Introduction

1. In this Public Notice, the Wireline Competition Bureau (Bureau) seeks to further develop the record on a number of issues relating to implementation of Connect America Phase II support. Specifically, the Bureau seeks comment on how it will determine which census blocks are served by an unsubsidized competitor, how price cap carriers will demonstrate they are meeting the Commission's requirements for reasonable comparability, and what other providers will need to demonstrate to be deemed unsubsidized competitors.

II. Discussion

2. *Unserved Areas.* The Commission directed the Bureau to determine what areas the forward looking cost model should treat as unserved by an unsubsidized competitor ''as of a specified future date as close as possible to the completion of the model.'' To that end, the next version of the Connect America Cost Model will incorporate June 2012 State Broadband Initiative (SBI) data to assist in determining what areas have access to broadband-capable infrastructure meeting specified speed thresholds. We recognize that in some particular instances, it is possible that providers have completed network expansion into unserved areas since submitting the June 2012 SBI data, but it is necessary now to incorporate an existing nationwide data set into the next version of the model, which currently is under development.

3. The Bureau seeks to further develop the record on what speed threshold in the June 2012 SBI data should be utilized as a proxy for 4 Mbps/1 Mbps when the Bureau identifies those census blocks that are served by an unsubsidized competitor meeting the specified speed requirement in the model. In the Phase I context, several commenters argue that using 3 Mbps/768 kbps as a proxy for 4 Mbps/1Mbps excludes some areas from support even though those areas in fact lack 4 Mbps/1 Mbps service. For purposes of Phase II, should the model treat an area as unserved if it is shown on the National Broadband Map as lacking broadband with speeds of at least 6 Mbps/1.5 Mbps, instead of using 3 Mbps/768 kbps as a proxy? That would presumably result in a greater number of census blocks becoming eligible for funding under Phase II than a 3 Mbps/768 kbps threshold. Commenters are encouraged to address the implications of using the National Broadband Map data regarding availability of broadband providing at least a 6 Mbps/1.5 Mbps speed to identify census blocks that would be deemed served by an unsubsidized competitor under Phase II. If we were to determine the presence of an unsubsidized competitor based on a 6 Mbps/1.5 Mbps threshold, to create parity between unsubsidized competitors and Phase II buildout requirements, should we also require that Phase II support recipients be required to provide broadband with speeds of 6 Mbps/1.5 Mbps to all supported locations? This would prevent a scenario in which a carrier could use Phase II funds to overbuild an existing 4 Mbps/1 Mbps network with its own 4 Mbps/1 Mbps network.

4. To the extent any interested parties wish to bring to our attention any information they believe should supplement the reported June SBI 2012 data, they are invited to submit comments by the deadline specified for this Public Notice. We particularly encourage input from state SBI grantees and other state authorities that may have relevant information.

5. For ease of administration, the Bureau proposes to exclude from support calculations in the adopted model any Census block that is served by a cable broadband provider that provides service meeting the defined speed threshold, with that rebuttable presumption subject to challenge in a challenge process. Given the wide variance in service offerings from fixed wireless providers, we do not propose to establish a similar presumption for fixed wireless providers. Instead, we propose to address whether a fixed wireless provider meets the requirements to be an unsubsidized competitor in a challenge process. A fixed wireless provider could demonstrate it is an unsubsidized competitor by making an affirmative showing that it meets the necessary speed, latency, capacity, and price criteria. That affirmative showing would be subject to rebuttal by other parties. We seek comment on this proposal. Should mobile providers also be allowed to participate in the challenge process, giving them the opportunity to qualify as unsubsidized competitors and exclude areas from support if they are able to meet the performance and pricing requirements?

6. We seek comment on whether determinations in the challenge process of whether an unsubsidized competitor meets the specified service requirements (speed, latency, usage, price) should be based on a company's offerings as of June 30, 2012, or some later date. Alternatives could include the date on which we release an order adopting the forward looking model, or 30 days prior to that release. We seek comment on these alternatives.

7. *Pricing and Usage Allowances.* We need to specify pricing and associated minimum usage allowances that will apply to price cap carriers that make a statewide commitment to offer voice and extend broadband in exchange for model-determined support for a period of five years. We also need to specify what is required for another provider to be deemed an unsubsidized competitor that would preclude an area from receiving any support.

8. With respect to pricing, we seek to further develop the record on a proposal to presume that ''a broadband provider that offers national pricing for its broadband service offerings is offering those services in rural and urban areas at reasonably comparable rates.'' Should a Phase II recipient be allowed to demonstrate that its rates are reasonably comparable between urban and rural areas by showing that it offers the same rates, terms, and conditions on a nationwide basis? Would such a presumption be a reasonable way to implement the statutory goal of reasonably comparable rates, while implementing Phase II quickly? Should we specify a level at which a provider's rate is too high to be considered

reasonable, even if the provider offers the same rate in both urban and rural areas?

9. Should the presumption apply if a carrier offered different pricing plans in different regions of the country, so long as its rates are uniform within a region across both rural and urban areas? Should such a presumption apply for carriers that operate only in one state? In the latter case, would it be sufficient if the provider offered uniform pricing within its footprint, so long as that included urban areas? If we were to take such an approach, consistent with our proposal for the urban rate survey, we propose to define ''urban'' as all 2010 Census urban areas and urban clusters that sit within a Metropolitan Statistical Area. We seek comment on this proposal.

10. The Bureau has proposed an urban rate survey instrument to gather data relating to fixed voice and fixed broadband prices and associated usage allowances, if any, in the urban areas, but we do not anticipate those data will be available by the time the Bureau implements Phase II in the months ahead. In the absence of data from a rate survey, should we establish an interim reasonable comparability benchmark that a competitive provider would need to meet in order to be deemed an unsubsidized competitor? The Bureau recently sought comment on potential benchmarks that could be used for the Remote Areas Fund, at least on an interim basis until rate survey data become available. We now seek comment on benchmarks to use for determining who is an unsubsidized competitor in the near term for Phase II implementation in areas that will not be served by the Remote Areas Fund.

11. In particular, the Commission's prior reasonable comparability benchmark for voice service for non-rural carriers was $36.52. Would it be reasonable to presume any provider offering voice service at or below $37 meets the reasonable comparability requirement for voice service, at least for purposes of determining whether a particular Census block should be excluded from the state-level offer of support?

12. We note that several large fixed terrestrial providers offer broadband at speeds close to the Commission's 4 Mbps downstream/1 Mbps upstream benchmark at prices ranging from $45 to $49.95 per month. Would setting a reasonable comparability benchmark for broadband service at a somewhat higher level, such as $60, be a reasonable approach for determining who is an unsubsidized competitor when identifying Census blocks that would be excluded from the state-level offer of support in Phase II? Should that figure be lower or higher?

13. With respect to the Commission's usage requirement, we propose to set a uniform minimum usage allowance that would apply both to price cap carriers that make a statewide commitment as well as to unsubsidized competitors that would preclude a Census block from being funded. We seek comment on this proposal.

14. We propose to adopt a minimum usage allowance for purposes of finalizing the locations that will receive support to be offered to price cap carriers in Connect America Phase II. This minimum usage allowance would be associated with the rate established for the reasonable comparability benchmark for broadband service; consumers in supported areas would be free to purchase additional gigabytes of data above the required minimum usage allowance. We seek comment on this proposal.

15. One way to set a minimum usage allowance would be to estimate the amount of data needed to accomplish various user activities that the Connect America Fund will advance. A similar approach was used to set the minimum broadband speed requirements for Connect America. Chart 1 below provides estimates of what activities are possible under varying data allowances, taking into account potential activities relating to education, health, employment, e-commerce, and civic engagement. Chart 1 shows the cumulative illustrative activities a household could undertake under various data allowances. We seek comment on this analysis.

CHART 1

Critical use category	Activity	Data allowance				
		20 GB	40 GB	60 GB	80 GB	100 GB
Online College Coursework	Hours per week of interactive video courses	3	6	9	12	15
	Web sites loaded per day for course work	45	90	135	180	225
	Emails per day for coursework	20	40	60	80	100
Secondary Schooling	Hours per week of educational video	6	12	18	24	30
	Websites loaded per day for homework or learning management systems.	30	60	90	120	150
	Emails per day	20	40	60	80	100
Household's Other Critical Uses.	Online medical consultations (30 min.) every two months.	1	2	3	4	5
	Web sites loaded per day for job searching, government services, news or banking.	55	110	165	220	275
	Emails per adult per day	20	40	60	80	100

16. Given the calculations in Chart 1, would 100 GB be a reasonable upper bound for a minimum usage allowance? Using a higher figure, such as 100 GB, would account for the growth in video usage for education and communication purposes over the next five years. It would also allow for other new and unanticipated uses that Chart 1 does not account for. Alternatively, should we instead adopt a lower value, such as 60 GB, but increase that requirement over time to reflect growing average data consumption, as discussed below?

17. As an alternative to setting the minimum usage allowance based on a set of potential user activities, we could set the minimum usage allowance based on current average usage. We note that according to one source, during the second half of 2012, the median monthly data consumption for fixed services in North America was 16.8 GB per subscriber. According to the most recent Commission speed testing data released in February 2013, the median weighted consumption of volunteers participating in the Measuring Broadband America (MBA) program for all fixed terrestrial technologies was 32.3 GB per month, with approximately 90 percent of surveyed digital subscriber line (DSL) subscribers in September

2012 using less than 100 GB per month. Should we set the Phase II minimum usage allowance based on such data? Given that the vast majority of DSL users in the MBA program today use less capacity than 100 GB per month, would that be an appropriate usage allowance requirement for carriers electing to make a statewide commitment in Phase II and for other providers to be deemed an unsubsidized competitor? Is such data representative of typical users, and if not, is there an alternative data source we should consider? What would be the implications of setting the minimum usage allowance higher or lower? In particular, what are the technical constraints that limit the capacity providers are able to offer, and what are the factors that would raise or lower deployment costs if we raise or lower the minimum usage allowance requirement? We assume some percentage of an average household's data is consumed in entertainment purposes. Should that be factored into our calculations? To the extent commenters believe the required minimum usage allowance should be higher or lower, they should provide specific data and analyses in support of their positions.

18. Should we set an initial usage allowance that would be required for the first year of Phase II implementation, but require that usage allowance to grow in future years, consistent with the growth in consumer usage observed in the marketplace? We note that Cisco projects that North American consumer usage will grow by 14 percent in 2014, 21 percent in 2015, and 25 percent in 2016. The model developed by Commission staff for the Broadband Plan assumed that customer usage of fixed broadband would grow by approximately 30 percent annually. How could such a requirement be structured to provide sufficient clarity to providers at the time they make a statewide commitment of how their obligations would evolve over time? What objective metric or external data source should determine the growth in usage allowances over time? If we were to adopt such an approach, should the usage level be adjusted annually, bi-annually, or on some other schedule?

19. *Latency.* The *USF/ICC Transformation Order,* 76 FR 73830, November 29, 2011, requires ETCs to provide latency sufficient for real time applications, such as VoIP. In adopting this requirement, the Commission noted that broadband testing results showed most terrestrial wireline technologies can reliably provide round trip latency of less than 100 milliseconds (ms). The June 2012 testing results show that the average peak period round trip UDP latency for all wireline terrestrial technologies is less than 60 ms.

20. To implement the Commission's latency requirement when offering support to price cap carriers in Phase II and determining who is an unsubsidized competitor in Phase II, should we establish a specific numerical latency standard? Because performance during peak usage is important to ensuring the consumers have adequate service, we believe a testing under load standard would be appropriate, if we adopt a specific standard. For instance, would it meet the Commission's requirements if an average of 95 percent of all measurements of network round trip latency under load during peak period (defined as weeknights between 7:00 p.m. to 11:00 p.m. local time) between the customer premises (or as close to the customer premises as technically possible) to the provider's transit or peering interconnection point (often referred to as an Internet exchange point) were at or below 60 ms? Should that number be set lower or higher, and if so, why? To provide a factual basis for a price cap carrier or potential unsubsidized carrier to establish it is meeting the Commission's requirements, should a latency test be conducted over a minimum of two consecutive weeks during peak hours for at least 50 randomly-selected customer premises using existing network management systems, ping tests, or other commonly available network measurement tools? Should the testing period be longer or shorter? Should the number of customer premise be higher or lower? We seek comment on whether this approach would provide sufficient clarity to potential support recipients and unsubsidized providers regarding their service obligations.

III. Procedural Matters

A. Initial Regulatory Flexibility Act Analysis

21. The *USF/ICC Transformation Order* included an Initial Regulatory Flexibility Analysis (IRFA) pursuant to 5 U.S.C. 603, exploring the potential impact on small entities of the Commission's proposal. We invite parties to file comments on the IRFA in light of this additional notice.

B. Initial Paperwork Reduction Act of 1995 Analysis

22. This document seeks comment on a potential new or revised information collection requirement. If the Commission adopts any new or revised information collection requirement, the Commission will publish a separate notice in the **Federal Register** inviting the public to comment on the requirement, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

C. Filing Requirements

23. Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments are to reference WC Docket No. 10–90 and DA 13–284 and may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121, May 1, 1998.

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

24. People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental

Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

In addition, we request that one copy of each pleading be sent to each of the following:

(1) Ryan Yates, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street SW., Room 6–B–441A, Washington, DC 20554; email: *Ryan.Yates@fcc.gov;*

(2) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street SW., Room 5–A452, Washington, DC 20554; email: *Charles.Tyler@fcc.gov.*

25. This matter shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Federal Communications Commission.

Kimberly A. Scardino,

Acting Division Chief, Telecommunications Access Policy Division, Wireline Competition Bureau.

[FR Doc. 2013–06047 Filed 3–14–13; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 633

[Docket No. FTA–2009–0030]

RIN 2132–AA92

Capital Project Management

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of withdrawal of proposed rulemaking.

SUMMARY: The Federal Transit Administration is withdrawing its September 13, 2011, Notice of Proposed Rulemaking to revise the agency's project management oversight regulations, in light of the recent, fundamental changes to the statutes that authorize the discretionary and formula capital programs at 49 U.S.C. Chapter 53. Given the repeal of the Fixed Guideway Modernization program, the creation of the Core Capacity Improvement and State of Good Repair programs, and the streamlining of the New Starts and Small Starts project development process, FTA must re-examine its proposed definition of *major capital project* and its policy and procedure for risk assessment. Also, the agency must develop policy and regulatory proposals for addressing several explicit directives in the new surface transportation authorization statute, the Moving Ahead for Progress in the 21st Century Act (''MAP–21''). FTA will reinitiate a rulemaking for project management oversight in the near future. Additionally, FTA may seek to set policy on major capital projects through public notice-and-comment, and provide technical assistance through guidance.

FOR FURTHER INFORMATION CONTACT: For program matters, Carlos M. Garay at (202) 366–6471 or *carlos.garay@dot.gov*. For legal matters, Scott A. Biehl at (202) 366–0826 or *scott.biehl@dot.gov*.

SUPPLEMENTARY INFORMATION:

The NPRM on Capital Project Management and the Dear Colleague Letters on Risk Assessment: On September 13, 2011, FTA published a Notice of Proposed Rulemaking (NPRM) to transform the current regulation for project management oversight at 49 CFR part 633 into a discrete set of managerial principles for sponsors of major capital projects. (76 FR 56363–56381). The NPRM was designed to enable FTA to more clearly identify the necessary management capacity and capability of a sponsor of a major capital project; spell out the many facets of project management that must be addressed in a project management plan; tailor the level of FTA oversight to the costs, complexities, and risks of a major capital project; set forth the means and objectives of risk assessments for major capital projects; and articulate the roles and responsibilities of FTA's project management oversight contractors.

A critical component of the NPRM was the proposed definition of *major capital project.* Under the current regulation, 49 CFR 633.5, a *major capital project* is defined in pertinent part as any project funded with any amount of discretionary New Starts funds, or any Fixed Guideway Modernization (FGM) project, of a total cost of $100 million or more, receiving funds under the formula FGM program. In the September 2011 NPRM, FTA proposed that a *major capital project* be redefined as either of the following: Any New Starts or FGM project for which the sponsor sought $100 million or more under the New Starts or FGM programs, or any capital project the Federal Transit Administrator found would benefit from the FTA project management oversight program, given the size or complexity of the project, the uniqueness of the technology, the previous project management experience of the sponsor, or any other risks inherent in the project. Thus, in the NPRM, the agency suggested that the level of Federal investment in a project is a more appropriate benchmark than the total capital costs of a project, and that $100 million in Federal grant funds is an appropriate number for that purpose. Also, FTA proposed that in his or her discretion, the Administrator could designate any capital project seeking funds under the discretionary Small Starts program as a *major capital project* subject to the 49 CFR part 633 regulations. See generally, 76 FR 56365–56368.

Another key element of the NPRM was the proposed rule and guidance on risk assessment. Specifically, under proposed Section 633.23, FTA would have been vested with the discretion to perform or allow a project sponsor to perform a risk assessment at a level commensurate with the size, cost, or complexity of a *major capital project* at any point during project development. Also, under proposed Section 633.23,

FTA would have had explicit authority to require a sponsor to develop explicit plans and tools for risk and contingency mitigation, measures for additional management capacity and capability, or financial mechanisms to accommodate the unfunded risks. In an appendix to the proposed rule FTA set forth the agency's basic methodology for conducting risk assessments, at that time. See, 76 FR 56378–56380.

Shortly after the issuance of the NPRM, on September 30, 2011, the Federal Transit Administrator and his Associate Administrators for Planning & Environment and Program Management issued *Dear Colleague* letters to the transit industry which announced a more streamlined process for conducting risk assessments for New Starts projects. *http://www.fta.dot.gov/newsroom/12910_13883.html*. In brief, the *Dear Colleague* letters announced an approach whereby the risk assessment for a New Starts project would be tailored to the unique capabilities of the project sponsor, the sponsor's experience in construction of transit infrastructure, the size and complexity of the project, and the total amount of New Starts funding requested for the project, and that, in some instances, a sponsor would be allowed to conduct its own risk assessment, in lieu of an assessment by FTA. It must be emphasized, however, that the *Dear Colleague* letters of September 30, 2011, were based on the New Starts project development process under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (''SAFETEA–LU''), the authorization statute that preceded MAP–21. Under MAP–21, the New Starts project development process is designed to be considerably quicker and less onerous for the project sponsor.

Changes to the FTA Capital Programs Under MAP–21: MAP–21 took effect on October 1, 2012. Of the many changes to the FTA capital programs under MAP–21, two of the most important are the repeal of the longstanding formula program for Fixed Guideway Modernization (FGM) and the creation of the State of Good Repair (SGR) program. In one respect, the SGR program, now codified at 49 U.S.C. 5337, is the successor to the FGM program, in that the SGR program will support many of the same types of projects that were funded under the FGM program. It is clear, however, that in establishing the new SGR program under MAP–21, the Congress has raised its expectations of both FTA and the public transportation industry as compared to the previous FGM program. Specifically, through the mandate of a national Transit Asset Management (''TAM'') system at 49 U.S.C. 5326, the Congress is requiring FTA to establish systematic means for transit asset management by all operators of public transportation, for all modes of public transportation, throughout the United States. This national system of TAM will be based on a definition of the term *State of Good Repair*—to be developed through rulemaking—and performance measures for making improvements in the condition of transit agencies' facilities and equipment. Moreover, through the tiered formula of the SGR program at Section 5337, the Congress is targeting the largest amounts of Federal financial assistance to the operators of public transportation most in need of that assistance, for the express purpose of improving the condition of those operators' existing assets. In light of these fundamental changes to the principal formula program for capital assistance, FTA must consider whether, and if so, under what circumstances an SGR project should be defined as a *major capital project* subject to the oversight rules at 49 CFR part 633.

Another change of upmost importance under MAP–21 is the establishment of the new competitive, discretionary Core Capacity Improvement (''CCI'') program, codified at 49 U.S.C. 5309(e). The single purpose of the CCI program is to provide Federal financial assistance for capital projects that will increase the capacities of existing fixed guideway systems in discrete corridors by at least ten percent—but explicitly, the statute excludes any elements of a project designed to maintain the *State of Good Repair* of the existing fixed guideway system. Here again, FTA must consider whether, and if so, under what circumstances a CCI project should be defined as a *major capital project* subject to the oversight rules at 49 CFR part 633.

Yet another change of upmost importance is the streamlining of the New Starts project development process. Under the authorization statutes that preceded MAP–21, the New Starts process entailed the discrete, sequential phases of ''alternatives analysis,'' ''preliminary engineering,'' and final design,'' prior to the construction of a project under a Full Funding Grant Agreement (FFGA). Under MAP–21, however, there are now only two sequential steps that preceded the construction of a project under an FFGA: The phases of ''project development'' and ''engineering.'' *See,* 49 U.S.C. 5309(d)(1), (2). No longer will there be an analysis of alternatives other than the evaluation of alternatives necessary for compliance with the National Environmental Policy Act. No longer will there be a requirement that FTA approve a New Starts project for entry into project development, as there was, for example, during SAFETEA–LU, when FTA had to approve a project for entry into preliminary engineering. Under MAP–21, a project sponsor must complete all activities required to obtain a rating and evaluation against the New Starts criteria for project justification, supportive land use policy and patterns, and local financial commitment, within two years from the date the sponsor's project enters ''project development,'' absent a waiver from the deadline. All of these changes to the New Starts program will affect FTA's project management oversight, and in particular, the agency's policy and procedure for risk assessment.

Also, under MAP–21, there are a number of explicit directives for FTA's management of the New Starts, Small Starts, and Core Capacity Improvement programs that will affect FTA's oversight of *major capital projects* under the rules at 49 CFR part 633. Among them are the following:

- In accordance with 49 U.S.C. 5309(c)(3), FTA is obliged to ''use an expedited technical capacity review process'' for any sponsor that has ''recently and successfully completed'' a New Start or CCI project, provided the budget, cost, and ridership outcomes for the previous project were consistent with or better than the projections, and the sponsor demonstrates that it ''continues to have the staff expertise and other resources necessary to implement'' the New Start or CCI project.
- In accordance with 49 U.S.C. 5309(g)(3), ''to the maximum extent practicable'' FTA is obliged to use ''warrants'' in making a determination of project justification for a New Start or CCI project for which the Federal share will be less than $100 million or 50 percent of the total project costs, and the sponsor has certified that its existing public transportation system is in a *State of Good Repair*.
- In accordance with 49 U.S.C. 5309(g)(4), ''to the maximum extent practicable'' FTA is obliged to issue Letters of Intent and enter into Early Systems Work Agreements to ''expedite'' a New Start or CCI project towards construction.
- In accordance with 49 U.S.C. 5309(f)(2)(F), in assessing the stability, reliability, and availability of proposed sources of local financing for a New Start or CCI project, FTA must consider ''private contributions to the project, including cost-effective project delivery, management or transfer of project risks,

expedited project schedule, financial partnering, and other public-private partnership strategies.''

• In accordance with 49 U.S.C. 5309(h), in rating and evaluating a Small Start project, FTA must assess ''the benefits of the project as compared to the Federal assistance to be provided and the degree of local financial commitment.''

• In accordance with 49 U.S.C. 5309(i), a federally funded New Start or CCI project in a ''program of interrelated projects'' may advance through the New Start or CCI process provided the entire program of interrelated projects, as a whole, meets the requirements for project justification and local financial commitment; each project within the entire program of interrelated projects enters construction ''within a reasonable time frame''; and the entire program of interrelated projects ''is supported by an acceptable degree of local financial commitment.''

Next Steps: FTA intends to reinitiate the rulemaking proposed on September 11, 2011, at 76 FR 56363–56381, for the same purposes as stated in that NPRM. There is no change in the objective to attain stronger capital project management by project sponsors. Moreover, the agency is committed to developing more effective means of overseeing the *major capital projects* in which it invests taxpayer funds. Currently, FTA expects to issue a new Notice of Proposed Rulemaking to transform the project management oversight regulations at 49 CFR part 633 into rules for Capital Project Management in fall 2013. In the interim, FTA will issue guidance to the public transportation industry on the use of risk assessments for major capital projects.

Additionally, over the next several months, FTA will propose a number of policies and rulemakings on the New Starts, Small Starts, Core Capacity Improvement, and State of Good Repair programs, and a rulemaking on Transit Asset Management, all of which, as noted above, have implications for the future rulemaking on Capital Project Management. The agency must carefully coordinate these various policy and regulatory initiatives, in balance with the agency's obligation to stand up the new Public Transportation Safety Program authorized at 49 U.S.C. Section 5329, which the agency's single highest priority. Accordingly, the Notice of Proposed Rulemaking to amend the regulations at 49 CFR part 633 is hereby withdrawn.

Regulatory Impact

Since this action is a withdrawal of a proposed rulemaking it is neither a proposed nor a final rule, therefore, it is not subject to Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act, or the U.S. Department of Transportation's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in 49 CFR Part 633

Transportation, Mass transportation, Project management oversight, Major capital projects, Fixed guideway projects, Risk assessment, Project management plans.

Accordingly, the Notice of Proposed Rulemaking, Docket No. FTA–2009–0030, published in the **Federal Register** on September 13, 2011 (76 FR 56363) is withdrawn.

Issued in Washington, DC on March 8, 2013.

Peter Rogoff,

Administrator.

[FR Doc. 2013–06082 Filed 3–14–13; 8:45 am]

BILLING CODE P

Notices

Federal Register
Vol. 78, No. 51
Friday, March 15, 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 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: Generic Clearance for Master Address File (MAF) and Topographically Integrated Geographic Encoding and Referencing (TIGER) Updating Activities.

OMB Control Number: 0607–0809.

Form Number(s): Various.

Type of Request: Extension of a currently approved collection.

Burden Hours: 8,924.

Number of Respondents: 163,529.

Average Hours per Response: 3 minutes and 16 seconds.

Needs and Uses: The Census Bureau requests approval from the Office of Management and Budget (OMB) for an extension of the generic clearance for a number of activities it plans to conduct to update its Master Address File (MAF) and maintain the linkage between the MAF and the Topologically Integrated Geographic Encoding and Referencing (TIGER) database of address ranges and associated geographic information. The Census Bureau plans to use the MAF–TIGER database (MTdb) for post-Census 2010 evaluations, and as a sampling frame for the American Community Survey and our other demographic current surveys. The TIGER component of the MTdb is a geographic system that maps the entire country in Census Blocks with applicable address ranges or living quarter location information.

The generic clearance for the past three years has proved to be very beneficial to the Census Bureau. The generic clearance allowed us to utilize our limited resources on actual operational planning and development of procedures. The extension will be especially beneficial over the upcoming three years by enabling us to focus on the efforts to improve procedures for the future 2020 Census and to continue updating the MAF.

We will follow the protocol of past generic clearances: 30 days before the scheduled start date of each census activity, we will provide OMB with a detailed background on the activity, estimates of respondent burden and samples of pertinent forms. After the close of each fiscal year, we will also file a year-end summary report with OMB, presenting the results of each activity conducted.

The following sections describe the activities to be included under the clearance. The Census Bureau has conducted these activities (or similar ones) previously and the respondent burden remains relatively unchanged from one time to another.

Demographic Area Address Listing (DAAL)

The Demographic Area Address Listing (DAAL) program encompasses the geographic area updates for the Community Address Updating System (CAUS) and the area and group quarters frame listings for many ongoing demographic surveys (the Current Population Survey, the Consumer Expenditures Survey, etc.), and any other operations which choose to use the Automated Listing and mapping System (ALMI) for evaluations, assessments, or to collect updates for the MTdb. The CAUS program is designed to address quality concerns relating to areas with high concentrations of non-city-style addresses the MAF receives from the U.S. Postal Service's Delivery Sequence File. The ongoing demographic surveys, as part of the 2000 Sample Redesign Program, used the MAF as one of several sources of addresses from which they selected their samples. In fiscal year 2010, the DAAL operation accessed a job aid used in the 2010 Address Canvassing operation to identify units in small multi-unit structures. The DAAL program is a cooperative effort among many divisions at the Census Bureau; it includes automated listing software, systems, and procedures that will allow us to conduct listing operations in a dependent manner based on information contained in the MAF.

The DAAL operations will be conducted on an ongoing basis in potentially any county across the country. Field Representatives (FRs) will canvass selected Census 2010 tabulation blocks to improve the address list in areas where substantial address changes may have occurred that have not been added to the MAF through regular update operations, and/or in blocks in the area or group quarters frame sample for the demographic surveys. FRs will update existing address information, and, when necessary, contact individuals to collect accurate location and mailing address information. In general, contact will occur only when the FR is adding a unit to the address list, and/or the individual's address is not posted or visible to the FR. There is no pre-determined or scripted list of questions asked as part of this listing operation. If an address is not posted or visible to the FR, the FR will ask about the address of the structure, the mailing address, and, in some instances, the year the structure was built. If the occupants of these households are not at home, the FR may attempt to contact a neighbor to determine the best time to find the occupants at home and/or to obtain the correct address information. At group quarters, a facility manager is usually contacted to collect information concerning the facility.

DAAL is an ongoing operation. Listing assignments are distributed quarterly with the work conducted throughout the time period. We expect that DAAL listing operation will be conducted throughout the entire time period of the extension.

2020 Census Research and Testing Program

The 2020 Census Research and Testing program will conduct tests from FY 13 through FY 15 to research methodologies to improve the efficiency and effectiveness of the 2020 Census. Among the research is Test 22, a test that will mainly involve the newly developed MAF error model. The goal of the MAF error project is to determine the components of MAF error and to develop an error model for use in measuring MAF quality. The MAF error project will use data from existing programs as well as data from Test 22

to validate the recommended solution. Test 22 is currently scheduled to be conducted in fiscal year 2013.

The MAF error project is a cooperative effort among many divisions at the Census Bureau; it includes automated software, systems, and procedures that will allow us to measure the quality of the MAF. Test 22 is currently a one-time project scheduled for fiscal year 2013. Enumerators (Listers) will canvass blocks to provide complete list of residential addresses. Listers will update existing address information and, when necessary, contact individuals to collect accurate location and mailing address information. In general, contact will occur only when the Lister is adding a unit to the address list, and/or the individual's address is not posted or visible to the Lister. Subsequent analysis will determine the coverage of the address files, which will allow for the creation of coverage measures.

The listed activities are not exhaustive of all activities that may be performed under this generic clearance. We will follow the approved procedure when submitting any additional activities not specially listed here.

All activities described above directly support the Census Bureau's efforts to update the MAF and the TIGER database on a regular basis so that they will be available for use in conducting and evaluating statistical programs the Census Bureau undertakes on a monthly, annual or periodic basis.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Sections 141 and 193.

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: March 12, 2013.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–05991 Filed 3–14–13; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Proposed Information Collection; Comment Request: National Survey of Fishing, Hunting, and Wildlife-Associated Recreation (FHWAR) Pre-Screener Test

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before May 14, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Denise Pepe via phone on 301–763–3785, or via mail at the U.S. Census Bureau, 4600 Silver Hill Road, Room 7H113, Washington, DC 20233–8400 or via email at *denise.p.pepe@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau conducts the 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation (FHWAR) for the U.S. Fish and Wildlife Service. We completed three waves of data collection for the 2011 FHWAR under OMB clearance number 1018–0088 in May 2012. The FHWAR data assist Federal and state agencies in administering the Sport Fish and Wildlife Restoration grant programs and provide up-to-date information on the uses and demands for wildlife-related recreation resources, trends in uses of those resources, and a basis for developing and evaluating programs and projects to meet existing and future needs.

Historically, the Census Bureau has conducted the FHWAR by computer-assisted personal interviewing (CAPI), which yielded high response rates. In 2011, because of limited funding, we modified our data collection methodology from mostly CAPI to approximately 90% computer-assisted telephone interviewing (CATI) and 10% CAPI. In order to obtain phone numbers for the CATI, we conducted a telephone research operation and match operation. Many phone numbers collected during the research and match operations did not reach the sample addresses in the Wave 1 CATI causing response rates to plummet. CATI response rates improved in Wave 2 and Wave 3 because we obtained phone numbers directly from the respondents in Wave 1.

In preparation for the 2016 FHWAR, the Census Bureau proposes a two-part test to determine new methodologies for collecting phone numbers in an effort to improve response rates throughout the three waves of interviewing. The first part of the test is a mail operation that will ask household respondents to complete a pre-screener survey by paper questionnaire or by Internet for the purpose of collecting a household roster, obtaining household telephone numbers, verifying the sample address, and obtaining general household-level information on hunting, fishing, and wildlife watching activities. The mail operation will include three panels. The first panel will receive a letter and a self-administered paper pre-screener questionnaire. The letter will ask a household member to complete the paper questionnaire and to return it by mail to the Census Bureau. The second panel will receive a letter with an Internet invitation for a household member to complete the pre-screener on the Internet. The third panel will receive a letter, paper questionnaire, and information on how to complete an interview by Internet. In this panel, the household member is given a choice for conducting the pre-screener by paper or by Internet. We estimate that both the paper and Internet pre-screener will take approximately 5 minutes to complete. If a household does not complete the pre-screener in the requested time frame, we will mail up to two additional packages (that include the same materials as the initial mailing) requesting the household's participation.

The sample size for each of the panels will be 5,000 sample households. We expect fifty-percent or 7,500 households to respond by either mail or Internet.

The second part of the test includes delivering the completed pre-screener data to the Census Bureau's Jeffersonville Contact Center who will conduct a telephone operation using a paper questionnaire to verify that the phone numbers collected from the mail and Internet pre-screener either reached, or did not reach, the sample addresses. This telephone interview will last approximately 2 minutes.

Upon completion of the telephone operation, the Census Bureau will analyze the accuracy of the telephone numbers collected from the paper and the Internet pre-screeners to determine if either of these methods could benefit the 2016 FHWAR. If either mode improves our success in obtaining accurate telephone numbers for sample households, we may improve contact and response rates and reduce the costs for conducting the 2016 FHWAR. A mail pre-screener operation is less expensive than the telephone research operation we conducted for the 2011 FHWAR, and we could potentially conduct more interviews in CATI with accurate phone numbers provided by household members

Additionally, use of a pre-screener will identify households that do not participate in wildlife-related activities more efficiently than the existing data collection methodology which requires a longer screener interview. This results in lower interviewing costs and reduced respondent burden.

II. Method of Collection

Part one of the test will be a mail operation with one panel receiving a paper questionnaire. The second panel will receive an Internet invite to complete the pre-screener by Internet. The third panel will have the option of conducting the pre-screener by paper or Internet. This operation will take about four weeks to conduct.

Part two of the test will be a telephone operation with data collected by paper questionnaire. This operation will take about 3 weeks.

III. Data

OMB Control Number: None.

Form Number: To be determined.

Type of Review: Regular submission.

Affected Public: Individuals.

Estimated Number of Respondents: 7,500.

Estimated Time per Response:

(Part 1) Pre-screener mail operation—5 minutes.

(Part 2) Telephone Follow-up Operation—2 minutes.

Estimated Total Annual Burden Hours: 875 hours.

Estimated Total Annual Cost: No cost to the respondent.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Section 8.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed 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 estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 12, 2013.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–06021 Filed 3–14–13; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–84–2012]

Foreign-Trade Zone 7—Mayaguez, Puerto Rico, Authorization of Production Activity, Pepsi Cola Puerto Rico Distributing, LLC (Soft Drink and Fruit Drink Beverages), Toa Baja, Puerto Rico

On November 5, 2012, the Puerto Rico Industrial Development Company, grantee of FTZ 7, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Pepsi Cola Puerto Rico Distributing, LLC, in Toa Baja, Puerto Rico.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (77 FR 70417, 11–26–2012). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: March 5, 2013.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–05801 Filed 3–14–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

Energy and Environment Trade Mission to Malaysia, Thailand and the Philippines

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

Mission Description

The United States Department of Commerce, International Trade Administration, U.S. and Foreign Commercial Service (CS), is organizing an Energy and Environment Trade Mission to Malaysia, Thailand, and the Philippines. This Mission will directly support the ''U.S.-ASEAN Expanded Economic Engagement'' or E3 Initiative announced by President Obama at the 2012 U.S.-ASEAN Summit.

The ''E3'' Initiative focuses on enhancing ASEAN members' capacity for advancing issues that will open up trade and opportunities for U.S. companies and among ASEAN member states in the region. The E–3 Initiative is a new framework for economic cooperation designed to expand trade and investment ties between the United States and ASEAN, creating new business opportunities and jobs in all eleven countries. The E3 Initiative builds upon the U.S.-Asia Pacific Comprehensive Energy Partnership designed to expand energy and environmental cooperation to advance efforts to ensure affordable, secure, and cleaner energy.

To support these efforts, the mission will expose U.S. companies to promising market potentials in Energy and Environmental Technologies markets in Malaysia, Thailand, and the Philippines. Led by a senior Commerce Department official, during the week of September 15, the mission will include representatives from a cross-section of U.S. firms operating in energy and environmental technologies.

Participating in an official U.S. industry delegation, rather than traveling to Malaysia, Thailand, and the

Philippines independently, will enhance the companies' ability to secure meetings with potential customers, partners, and relevant government officials. The delegation will visit Kuala Lumpur, Bangkok, and Manila. Through the Commercial Service office at the Asian Development Bank (CS ADB) in Manila, mission participants will also have the opportunity to schedule meetings with Asian Development Bank officials to explore business opportunities in Malaysia, Thailand, and the Philippines, in addition to the 42 additional ADB developing member countries. At each mission stop, the program will include briefings, networking receptions, and one-on-one business meetings with potential customers, partners and local representatives.

Commercial Setting: Malaysia

Overview

Malaysia's economy, the third largest in South-East Asia behind Indonesia and Thailand, has grown steadily since recovering from the 1997–98 Asian financial crisis. GDP declined by 1.5 per cent in 2009, due to the global economic crisis, before recovering to 7.2 percent growth in 2010 and 5.1 percent growth in 2011. Economic growth for 2012 was around 4.4 percent with 2013 predicted to also be in the 4.5 percent range. Malaysia has one of the highest living standards in South-East Asia and a very low unemployment rate. Budgetary deficits are slowly increasing due to the need to compensate for weak private investment which is driving public debt. A ''New Economic Model'' (NEM) intended to promote innovation and to increase production profits, was launched together with the Tenth Malaysia Plan (2011–2015). The objective is to bring the budget deficit to three percent of GDP by 2015 (currently 5.2 percent) and double per capita income by 2020. The oil and gas sector provides almost 40 percent of government revenue.

Bilateral U.S.-Malaysia trade totaled around US $40 billion in 2012, about the same as 2011. China has displaced the United States as Malaysia's largest trading partner and is a key destination for Malaysian inputs into goods assembled there and then re-exported (often to the United States). The United States is Malaysia's largest foreign investor.

According to key development indicators, Malaysia is now a high middle-income, export-oriented economy, with per capita GDP (in current prices) of US$10,085 (and $16,900 using PPP per capita) in 2012, life expectancy of 74 years and gross primary school enrolment of 100 per cent of the school-age population. The Tenth Malaysia Plan (2011–2015)—the Malaysian Government's economic blueprint for the next five years—places an emphasis on becoming a high-income nation, inclusiveness and sustainability.

Energy

Malaysia is expected to experience a large increase in overall energy demand. Sustainable development of the energy sector, particularly in the industrial, transportation and commercial sectors, contributes to the economic competitiveness of Malaysia and will continue to be a high priority of the Government of Malaysia (GOM). The GOM will continue to encourage development of both fossil and renewable energy resources to cater to the demands of a rapidly growing economy. The main thrust will be to ensure adequate, secure, cost-effective energy, and minimize the negative impact on the environment.

Oil and Gas: The GOM has placed a high priority on expanding oil and gas production, and has enacted tax and other incentives to encourage development of marginal fields, enhance recovery from existing, depleted fields, and expand deepwater offshore production. Oil field services and equipment suppliers are also finding new opportunities in Malaysia. Use of oil products, natural gas and coal are increasing to meet increasing demands in all sectors, particularly manufacturing, service & commercial, and transportation. Electricity's share of final energy demand is expected to increase from 18 percent in 2009 to 21 percent in 2020. The fuel mix contribution from renewable energy is expected to grow from 8.3 percent in 2012 to over 12 percent by 2020. The demand for oil and gas will likely continue to grow.

Current opportunities include partnerships and supply agreements with larger U.S. companies. Exxon/Mobil produces almost half of Malaysia's present hydrocarbon output. Triton, Amerada Hess, and Murphy are likely to be joining existing producers Exxon/Mobil and Shell in the next few years as large hydrocarbon producers.

Renewables: Malaysia is also encouraging the development of renewable energy, especially solar, hydro and biomass, and recently implemented a feed-in tariff regime. The government wants to maximize potential gains from increasing energy efficiency, an area with significant potential for U.S. firms. In addition to creating a Sustainable Energy Development Authority, GOM is also emphasizing biofuels and has taken steps to boost development by mandating a feed-in tariff program and the mandatory blending of biofuels for transport sector which was approved by the Malaysian Parliament in 2011.

The government hopes that, by 2015, that environmental friendly energy would satisfy about 5.5 percent or 985MW. Solar energy will play a key role as Malaysia expects to have installed more than 3,000 MW of new renewable of which about one-third (1,250 MW) will be from solar PV by 2015. Additional areas include biomass energy (1,065 MW) satisfying about 11 percent of Malaysia's estimated energy consumption. The Energy Commission of Malaysia estimated that US$23 billion worth of business could potentially be generated from these projects from now through 2020.

Electricity Generation and Distribution: Foreign investors are permitted to own up to 49 percent of an Independent Power Producer (IPP) or power plant in Malaysia. Tenaga Nasional Berhad (TNB) is a state-owned electricity utility company that has a monopoly on electricity distribution in Malaysia. TNB generates its own electricity and purchases electricity from IPPs with power generation plants located in Malaysia. Peninsular Malaysia is connected to an electricity grid with Singapore and Thailand.

Energy Efficiency: Malaysia has been making strides to improve the energy efficiency of its facilities. The country's Institute of Architects (PAM) and Association of Consulting Engineers Malaysia (ACEM) has recently developed the Green Building Index, which incorporates recognized practices in designing and constructing environmentally friendly operations in Malaysia. These organizations and others have been advocating for higher energy efficiency and sustainable townships with houses that will be equipped with eco-friendly features such as solar power heating and photovoltaic generators. Tax exemptions on capital expenditure for the development of green technology have been introduced. The Ministry of Green Technology and Water to companies are issuing soft loans for these projects as well.

Sub-Sector Best Prospects

- Companies supplying technology, equipment and know-how within the area of RE and EE products and equipment;
- Companies considering joint ventures and/or licensing of technology

in the fields of RE and EE equipment or systems.

Environmental Technologies

Environmental technologies are becoming a growth sector in Malaysia. However, this sector is still somewhat undeveloped as the environment was not a key priority until the Malaysian Prime Minister's announcement at the Copenhagen Climate Summit that Malaysia would adopt a voluntary reduction of up to 40 percent in terms of emissions intensity of GDP by 2020.

Malaysia has experienced problems with the discharge of untreated sewage, particularly along the west coast. Malaysia's water pollution problem also extends to its rivers, of which 40 percent are polluted. The nation has 580 cubic kilometers of water with 76 percent used for farming and 13 percent used for industrial activity. Malaysia's cities produce an average of 1.5 million tons of solid waste per year.

Clean-air legislation limiting industrial and automobile emissions was adopted in 1978. However, air pollution from both of these sources is still a problem. In the mid-1990s, Malaysia ranked among 50 nations with the world's highest industrial carbon dioxide emissions, which totaled 70.5 million metric tons per year, a per capita level of 3.74 metric tons per year. Discharge of oil by vessels in Malaysian waters is prohibited. (Source: Encyclopedia of the Nations Web site)

Considering Malaysia's recent emphasis on environmental clean-up, potential opportunities exist for U.S. firms with expertise in environmental cleanup, especially areas focused on the cleanup of energy projects such as soil remediation.

Sub-Sector Best Prospects

- Water treatment equipment and supplies;
- Emissions control equipment and technologies;
- Soil remediation equipment and technologies.

Commercial Setting: Thailand

Overview

Thailand is Southeast Asia's second largest economy (behind Indonesia), and the fourth richest nation, according to per capita GDP, after Singapore, Brunei and Malaysia. It also functions as an anchor economy for neighboring developing countries (Laos, Myanmar, and Cambodia). The economy can be described as ''newly industrialized,'' and heavily export-dependent economy, with exports accounting for more than two thirds of its gross domestic product (GDP).

Thailand recovered well from the global financial crisis with rapid implementation of fiscal stimulus and monetary easing packages, but its economy suffered in the wake of the Japanese tsunami. However, after a strong recovery in 2010, the country suffered the worst floods in the last fifty years in the fall of 2011 which adversely impacted the industrial core of the country's economy and stalled growth. In spite of the impact of the crisis on the country, its unemployment rate has remained low (1.4 percent).

The Thai Government has introduced a number of economic stimulus measures, including raising the minimum wage, buying rice from farmers at a price above market, offering preferential credit to farmers and improving the quality of free healthcare in the provinces. Programs to support businesses and homes affected by flooding and to improve infrastructure for water supply have also been launched. The Central Bank will also lower interest rates to support the economy.

The Thai Government has also announced a series of large-scale infrastructure projects and spending plans to support private consumption and stimulate domestic demand. The policies are designed to launch the Thai economy to a higher level of growth that relies less on exports. However, the additional spending raises the risk of more rapid inflation, which the Bank of Thailand is closely monitoring.

Energy

Over the past two decades, energy demand in Thailand has increased continuously at an annual average rate of 4.4 percent, corresponding with the annual economic growth rate of 4.5 percent. The country spends approximately $32 billion on energy imports, which account for 60 percent of total energy consumption. Thailand imports over 80 percent of crude oil from the Middle East whereas the majority of natural gas supply comes from domestic production. Industry (37 percent) and transport (35 percent) are the leading energy-consuming sectors.

Electricity generation in Thailand is highly dependent on natural gas. As electricity demand grows, the Thai economy could become more vulnerable from high gas dependence in its power sector. Between 2007 and 2021, electricity demand is expected to increase at 5.7 percent per year.

To cope with energy security issue and retain the country's competitiveness, Thailand has launched a 20-year Energy Efficiency Development Plan (EEDP) to reduce energy intensity by 25 percent in 2030 or about 30,000 thousand tons of crude oil equivalent (ktoe). According to the EEDP, renewable energy would account for 25 percent of Thailand's total energy consumption. The best opportunities for renewable energy in Thailand include biomass, biogas, solar and waste-to-energy. To promote renewable energy, Thailand offers subsidies to energy providers. In addition, the country plans to spend about $13 billion over the next fifteen years to build a smart grid system.

Current projects in Thailand include an upcoming oil and gas exploration bid round, upstream and downstream development, natural gas pipeline construction, and expansion of an existing LNG terminal. The Director General of Thailand's Department of Mineral Fuels announced a new round of bidding for 22 onshore and offshore exploration licenses, which is expected to be held mid 2013. PTT, the Thai state-owned oil and gas company, has set an aggressive investment plan over the next 20 years, focusing on upstream and downstream sectors, alternative energy and petrochemical industry. PTT is going to construct a 100 km onshore gas transmission pipeline to Nakhon Sawan province in order to serve the increasing demand of domestic energy consumption. PTT also won its bid for two Myanmar onshore oil blocks and the 47 company is proceeding with a $2 billion plan to develop a gas production facility and a 300 km gas pipeline in the Gulf of Martaban. Finally, PTT may expand its Liquefied natural gas (LNG) receiving terminal to cope with the country's growth in natural gas demand.

Sub-Sector Best Prospects

- Oil and gas exploration and development;
- Energy efficiency equipment and technologies;
- Smart grid systems;
- Green building materials and technologies;
- Solar equipment and technologies;
- Gas engines, small gas turbines;
- Syngas and biogas equipment, exchangers and boilers for cogeneration/tri-generation and waste-to-energy;
- Emissions control equipment.

Environmental Technologies

Thailand's total annual market for environmental technologies is estimated at US$2 billion, with construction and engineering services representing 85% of that market. Water treatment and water resources equipment shared over half of the market. Since the wastewater segment still relies heavily on imported products, U.S. products are well-

received by local market. The other half of the market is for solid waste treatment equipment and air pollution control equipment which represent 30 percent and 20 percent, respectively. There are no restrictions on the importation of environmental equipment and tariff rates imposed on equipment range from 0–5 percent.

Sub-Sector Best Prospects

- Water treatment equipment and supplies;
- Solid waste treatment equipment;
- Emissions control equipment.

Commercial Setting: The Philippines

Overview

The Philippine economy is the fifth largest in ASEAN (after Indonesia, Thailand, Malaysia, and Singapore). The economy has recovered from the global financial crisis and last year recorded a GDP growth rate of 6.7 percent, the second highest in Asia.

As a newly industrialized country, the Philippine economy has been transitioning from one based on agriculture to one based more on services and manufacturing. The macroeconomic fundamentals for the Philippine economy remain strong. Inflation and interest rates are low, and the currency is stable and is maintaining strength against the U.S. dollar. Under the Aquino administration, governance has improved with a significant effort to combat corruption in the government ranks.

Overseas Filipinos' remittance income, which accounts for more than 10 percent of the Philippine economy, remains remarkably resilient and continues to support domestic consumption. Business Process Outsourcing, an increasingly important driver of the economy, has grown tremendously in recent years. The Philippines has surpassed India in ''voice'' call centers. The Government has shown a commitment to economic reform which has the potential to open up other areas for economic cooperation in both trade and investment.

Goldman Sachs estimates that by the year 2050, it will be the 14th largest economy in the world and includes the Philippines in its list of the Next Eleven economies. HSBC projects the Philippine economy to become the 16th largest economy in the world, fifth largest economy in Asia, and the largest economy in the South East Asian region by 2050.

The country's major trading partners include the United States, Japan, China, Singapore, South Korea, the Netherlands, Hong Kong, Germany, Taiwan, and Thailand. Bilateral trade in 2012 in goods between the U.S. and the Philippines amounted to over $17.6 billion. U.S. exports have risen by 40 percent since 2009.

Energy

The Philippines is highly dependent on oil imports to, and is sensitive and vulnerable to world price increases and oil disruptions having no sufficient indigenous fossil energy resources. This has prompted the government to develop a more comprehensive energy management policy toward the more judicious and efficient utilization of energy across sectors. The public would like to see a dynamic government action plan that will address the high prices of energy, the development of non-polluting energy resources (renewable energy), and potentially nuclear energy.

The Philippine Government seeks to ensure ''Energy Access for More,'' an effort to expand reliable and affordable access to energy to the larger populace. The new Aquino Government has outlined the following three (3) major pillars as its overall guidepost and direction for the energy sector:

(a) Ensure energy security;

(b) Achieve optimal energy pricing; and,

(c) Develop a sustainable energy plan.

The programs that will lead to the attainment of the pillars have been phased into medium—(2011–2013) and long-term (2013–2016) timelines. The implementation of the Electric Power Industry Reform Act (EPIRA—Republic Act No. 9136), which provides a framework for the restructuring of the electric power industry, has gained momentum, as noted by recent successes in privatization of assets previously owned by the National Power Corporation (NPC). This restructuring scheme seeks to ensure quality, reliable, secure and affordable electric power supply, encourage the free and fair competition, enhance the inflow of private capital, and broaden the ownership base of power generation, transmission and distribution.

Meanwhile, demand for power infrastructure continues to surge, and that will require additional capacity in the main grid areas (i.e., Luzon, Visayas, and Mindanao). Older power plants are being retired or decommissioned. According to the Philippine Department of Energy's (DOE) Philippine Energy Plan (2009–2030), demand for electricity will grow annually at an average of 4–7 percent. The expected increase in energy use is fueled by increased economic activity, notably in the, business process outsourcing, transportation, and building and construction industries (chiefly in the public infrastructure, commercial and residential segments).

Sub-Sector Best Prospects

Most of the imported electrical power systems are supplied by China, Japan, Taiwan and Singapore. Industry insiders note increasing demand for various electrical power systems and related products and technology, which include:

- Renewable energy equipment and supplies such as turbines, solar systems, hybrid power systems;
- Power generation equipment and supplies;
- Energy Efficiency Technologies (green building, energy management);
- Transformers, circuit breakers, connectors;
- Kilowatt hour (kWh) meters and related electronic metering equipment;
- Protection Devices (e.g., lightning arresters, reclosers, switch gears, voltage regulators);
- Efficient and Long-Lasting Lighting Systems/Equipment;
- Stand-by Mobile Power.

Environmental Technologies

The Philippine market for water resource equipment and services is expected to grow by at least five percent yearly in view of the current impending projects that address increasing water scarcity, and sanitation and wastewater-related problems. The country's water supply requirement is escalating.

The Philippines has a population of over 90 million, growing at an average annual rate of two percent. Approximately 20–50 percent of the population does not have access to safe drinking water. Sixteen national rivers and lakes are already biologically dead and only one-third of river systems are suitable as water supply sources. Depletion of groundwater resources has been an increasing problem in some areas of the country.

Wastewater management is also a major concern as indiscriminate discharging of untreated wastewater over the years, particularly from domestic sources, has caused major pollution problems, especially in extremely urbanized areas. The Philippines is highly dependent on imported water and wastewater treatment products and services. Japan, the United States, and Singapore are the major sources of water and wastewater treatment products and equipment of the Philippines.

Government entities fund its water-related projects through a mixture of national/local government budgets and foreign (governments, multilateral and

bilateral agencies) loans/grants. Water districts use internally-generated funds, loans and grants. Private entities finance water and wastewater treatment projects through internal funds or loans.

Current opportunities include the expansion and improvement of water and sewerage services. The Government sponsored New Water Supply Source Project, will augment the supply of potable water in Metro Manila. Costing about US$581 million, this project involves the construction of a dam, water treatment plant, and associated main pipeline.

Sub-Sector Best Prospects

- Products and technologies that provide for greater efficiency in the use of water resources;
- Wastewater treatment technologies;
- Emissions control equipment.

Asian Development Bank

The Asian Development Bank (ADB) and World Bank are among the financial agencies that support water projects in the Philippines. Sustainable development is at the heart of the Asian Development Bank's core mission. Consistent with the bank's energy policy, ADB programs, projects and policies support investments in energy efficiency, clean energy and environmental sustainability.

ADB's investment target for clean energy is $2 billion yearly targeted towards helping its developing member countries reduce their dependence on imported energy sources, and develop indigenous renewable energy resources such as solar, hydropower or geothermal. In the Philippines, $336 million in projects for energy efficient vehicles, climate change mitigation through energy efficiency and clean energy, wind farm projects in Luzon, and a renewable energy project for a rural community in Mindanao are already in various stages of implementation. ADB's lending to Thailand and Malaysia are limited, given that these countries are graduating into developed country status. However, public sector projects for energy efficient municipalities in Thailand and a power transmission project in Sarawak, Malaysia $110 million) are planned. Both countries can also continue to access funding from ADB's Private Sector Department.

For the environment sector, ADB's current portfolio through 2014 is at $7 billion. This includes $190 million in water supply and sanitation and solid waste management projects in the Philippines.

Other Products and Services

The foregoing analysis of infrastructure export opportunities in Malaysia, Thailand and the Philippines is not intended to be exhaustive, but illustrative of the many opportunities available to U.S. businesses. Applications from companies selling products or services within the scope of this mission, but not specifically identified, will be considered and evaluated by the U.S. Department of Commerce. Companies whose products or services do not fit the scope of the mission may contact their local U.S. Export Assistance Center (USEAC) to learn about other business development missions and services that may provide more targeted export opportunities. Companies may call 1–800–872–8723, or go to *http://help.export.gov/* to obtain such information. This information also may be found on the Web site: *http://www.export.gov.*

Mission Goals

The mission will expose U.S. companies to growing markets in Malaysia, Thailand, and the Philippines, and provide them an opportunity to supply products and services to energy efficiency and environmental products and services in these markets. The mission will help U.S. companies obtain actionable market intelligence, establish business and government contacts, solidify business strategies, and/or advance specific projects.

The mission's goals include:

- Facilitating first-hand market exposure and access to U.S. and host country government decision makers.
- Helping companies gain valuable international business experience and market intelligence in the energy efficiency and environmental technologies sectors in Malaysia, Thailand, the Philippines, and other Asian Development Bank member countries;
- Arranging high-quality, targeted one-on-one business-to-business (B2B) matchmaking appointments;
- Providing access to key local and American private-sector industry contacts, including potential trading partners; and
- Helping U.S. companies strengthen their engagement in these growing ASEAN markets, leading to increased exports and, in turn, job creation.

Mission Scenario

Participants will attend country briefings, seminars, one-on-one business meetings and networking receptions. The precise agenda will depend upon the availability of local government and private sector officials, as well as on the specific goals and makeup of the mission participants. The U.S Commercial Service and its partners in Malaysia, Thailand, the Philippines and the Asian Development Bank (ADB) stand by to assist the Trade Mission participants.

MISSION TIMETABLE

Sunday, September 15, 2013	Bangkok • Arrival and Mission Briefing
Monday, September 16, 2013	Bangkok • Embassy Briefing. • Ministry Briefing. • B2B Meetings. • Networking Reception/AMCHAM Event.
Tuesday, September 17, 2013	Bangkok • B2B Meetings. • Depart for Kuala Lumpur (late afternoon).
Wednesday, September 18, 2013	Kuala Lumpur • Embassy Briefing. • Ministry Briefing. • B2B Meetings.
Thursday, September 19, 2013	Kuala Lumpur • Additional B2B Meetings. • Depart for Manila (mid-day). Manila • Embassy Briefing/Welcome Reception.

MISSION TIMETABLE—Continued

Friday, September 20, 2013	Manila • B2B Meetings. • ADB Briefing (optional). • Farewell Reception.
Saturday, September 21, 2013	Manila • ADB Briefing (Alternative Time), Site Visits or Departure.

Participation Requirements

All parties interested in participating in the trade mission must complete and submit an application package for consideration by the Department of Commerce. All applicants will be evaluated, on a rolling basis, on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A minimum of 10 and maximum of 20 companies will be selected to participate in the mission from the applicant pool.

Fees And Expenses

After a company or organization has been selected to participate on the mission, a payment to the Department of Commerce in the form of a participation fee is required. The participation fee for the Trade Mission is $4,023 for a small or medium-sized firm (SME),[1] and $5,210 for large firms. The fee for each additional firm representative (large firm or SME/trade organization) $1,500. Expenses for travel, lodging, meals, and incidentals will be the responsibility of each mission participant. Delegation members will be able to take advantage of U.S. Embassy rates for hotel rooms.

Exclusions

The mission fee does not include any personal travel expenses such as lodging, most meals, local ground transportation, except as stated in the proposed timetable, and air transportation from the U.S. to the mission sites and return to the United States. Business visas may be required. Government fees and processing expenses to obtain such visas are also not included in the mission costs. However, the U.S. Department of Commerce will provide instructions to each participant on the procedures required to obtain necessary business visas.

[1] An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see *http://www.sba.gov/services/contracting opportunities/sizestandardstopics/index.html*). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (see *http://www.export.gov/newsletter/march2008/initiatives.html* for additional information).

Conditions of Participation

Targeted mission participants are U.S. companies actively engaged in the energy efficiency, clean energy, and environmental sectors. Primary emphasis will be placed on export-ready companies that are seeking to do business actively in these markets for the first time.

Certification of products and/or services being manufactured or produced in the United States or if manufactured/produced outside of the United States, the product/service is marketed under the name of a U.S. firm and have U.S. content representing at least 51 percent of the value of the finished good or service.

The following criteria will be evaluated in selecting participants:

• Relevance of the company's business to the mission goals;

• Market potential for business in the Malaysia, Thailand, Philippines, and ADB markets;

• Provision of adequate information on the company's products and/or services, and communication of the company's primary objectives;

• Timeliness of the company's completed application and participation agreement signed by a company officer;

Diversity of company size and location may also be considered during the review process.

Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process.

Timeline for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register,** posting on the Commerce Department trade mission calendar (*http://export.gov/trademissions*) and other Internet web sites, press releases to general and trade media, direct mail, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows. Recruitment for the mission will begin immediately and conclude no later than August 23, 2013. The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis beginning March 12, 2013. Applications received after August 23, 2013 will be considered only if space and scheduling constraints permit.

Contacts

CS Thailand

Michael McGee, Senior Commercial Officer, 662.205.5280, *Michael.McGee@trade.gov*.

CS Washington DC

David McCormack, International Trade Specialist, 202.482.2833, *David.McCormack@trade.gov*.

Elnora Moye,

Trade Program Assistant.

[FR Doc. 2013–05963 Filed 3–14–13; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

U.S. Infrastructure Trade Mission to Colombia and Panama—Amendment

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce, International Trade Administration, U.S. and Foreign Commercial Service (CS) is publishing this supplement to the Notice of the *U.S. Healthcare Trade Mission to Russia published at 77 FR 77032, December 31, 2012,* to amend the Notice to revise the dates of the application deadline from March 15, 2013 to the new deadline of March 29, 2013.

SUPPLEMENTARY INFORMATION:

Amendments To Revise the Dates

Background

Recruitment for this Mission began in January, 2013. Due to the recent snow closures and upcoming Easter holiday season, it has been determined that an additional time is needed to allow for additional recruitment and marketing in support of the mission. Applications

will be now be accepted through March 29, 2013 (and after that date if space remains and scheduling constraints permit), interested U.S. healthcare firms and trade organizations which have not already submitted an application are encouraged to do so as soon as possible.

Amendments

1. For the reasons stated above, the Timeframe for Recruitment and Applications section of the Notice of the *U.S. Infrastructure Trade Mission to Colombia and Panama published at 77 FR 77032, December 31, 2012,* is amended to read as follows:

Timeframe for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register** (*http://www.gpoaccess.gov/fr*), posting on ITA's trade mission calendar—*http://export.gov/trademissions*—and other Internet web sites, press releases to general and trade media, direct mail, broadcast fax, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows. Recruitment will conclude no later than Friday, March 29, 2013. The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis until the maximum of fifteen participants is reached. We will inform all applicants of selection decisions as soon as possible after the applications are reviewed. Applications received after the March 29th deadline will be considered only if space and scheduling constraints permit.

FOR FURTHER INFORMATION CONTACT:

Contacts

Jessica Arnold, Commercial Service Trade Missions Program, Tel: 202–482–2026, Fax: 202–482–9000, Email: *jessica.arnold@trade.gov*.

Elnora Moye,

Trade Program Assistant.

[FR Doc. 2013–05962 Filed 3–14–13; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 120823388–3175–02]

National Cybersecurity Center of Excellence (NCCoE) Secure Exchange of Electronic Health Information Demonstration Project

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) is extending the deadline for submission of certification letters in order to allow additional time for partners and organizations to provide products and technical expertise to support and demonstrate security platforms for exchange of electronic health care information by healthcare providers. Participation in the project is open to all interested organizations.

DATES: Interested parties must contact NIST to request a certification letter. Completed and signed certification letters will be accepted on an ongoing basis until further notice. When NIST determines a date when certification letters will no longer be accepted, NIST will publish a notice in the **Federal Register** 60 days prior to that termination date.

ADDRESSES: The NCCoE is located at 9600 Gudelsky Drive, Rockville, MD 20850. Certification letters must be submitted to Karen Waltermire via email at *NCCoE@nist.gov;* or via hardcopy to NCCoE, National Institute of Standards and Technology; 100 Bureau Drive; MS 2000 Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Karen Waltermire via email at *NCCoE@nist.gov;* or telephone 301–975–4500; NCCoE, National Institute of Standards and Technology; 100 Bureau Drive; MS 2000; Gaithersburg, MD 20899. Additional details about the Secure Exchange of Electronic Health Information project will be available at: *http://nccoe.nist.gov/hit*.

SUPPLEMENTARY INFORMATION: On January 15, 2013, the National Institute of Standards and Technology's (NIST) National Cybersecurity Center of Excellence (NCCoE) invited organizations to provide products and technical expertise to support and demonstrate security platforms for exchange of electronic health care information by healthcare providers (78 FR 2953). The due date for submission of all certification letters was 5 p.m. Eastern Time, Friday, March 1, 2013. The NIST NCCoE is seeking additional partners to collaborate on the Secure Exchange of Electronic Health Information Demonstration Project and is extending the due date indefinitely. The NIST NCCoE will accept signed certification letters until NIST determines submissions are no longer necessary. NIST will provide the public with 60 days notice prior to ending the period for acceptance of certification letters. Certification letters received after Friday, March 1, 2013 and before publication of this notice are deemed to be timely.

Process: NIST is soliciting responses from all sources of relevant security capabilities (e.g., vendors, academia, and integrators). Interested parties should contact NIST using the information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Each interested party will be provided with a certification letter, which the party must complete and submit to NIST. The certification letter must be completed and submitted to NIST by the responding organization. NIST will contact interested parties if there are questions regarding the responsiveness of the certification letters to the project objective or project requirements identified below. NIST will select participants who have submitted complete certification letters on a first come, first served basis within each category of product components or capabilities listed below up to the number of participants in each category necessary to carry out this project. Selected participants will be required to enter into a consortium Cooperative Research and Development Agreement (CRADA) with NIST. NIST published a notice in the **Federal Register** on October 19, 2012 (77 FR 64314), inviting U.S. companies to enter into ''National Cybersecurity Excellence Partnerships'' (NCEPs) in furtherance of the NCCoE. For this demonstration project NCEP partners will not be given priority for participation.

For additional information on the NCCoE governance, business processes, and NCCoE operational structure, visit the NCCoE Web site *http://csrc.nist.gov/nccoe*.

Dated: March 1, 2013.

Willie E. May,

Associate Director for Laboratory Programs.

[FR Doc. 2013–06020 Filed 3–14–13; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC565

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 33 Gulf of Mexico Gag and Greater Amberjack Data Scoping Webinar.

SUMMARY: The SEDAR 33 assessment of the Gulf of Mexico gag and greater amberjack fisheries will consist of a series of workshops and supplemental webinars. This notice is for a data scoping webinar of the Data Workshop portion of the SEDAR process. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 33 Data Scoping Webinar will be held on April 10, 2013. The webinar will begin at 1 p.m. and conclude no later than 5 p.m. EDT.

ADDRESSES:

Meeting address: The data scoping webinar will be held via GoToWebinar. The webinar is open to members of the public. Those interested in participating should contact Ryan Rindone at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request meeting information at least 24 hours in advance.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Ryan Rindone, SEDAR Coordinator; telephone: (813) 348–1630; email: *ryan.rindone@gulfcouncil.org.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process including a workshop and webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Consensus Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the SEDAR 33 Data Scoping Webinar are as follows:

Panelists will review data determined to be pertinent in the assessment for Gulf of Mexico gag and greater amberjack prior to the Data Workshop.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SEDAR office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Dated: March 12, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–05975 Filed 3–14–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Deposit of Biological Materials

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 14, 2013.

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

- *Email: InformationCollection@uspto.gov.* Include ''0651–0022 comment'' in the subject line of the message.
- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Federal Rulemaking Portal: http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Raul Tamayo, Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–7728; or by email to *Raul.Tamayo@uspto.gov* with ''Paperwork'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The deposit of biological materials as part of a patent application is required by 35 U.S.C. 2(b)(2) and outlined in 37 CFR 1.801–1.809. Every patent must contain a description of the invention sufficient to enable a person (knowledgeable in the relevant science), to make and use the invention as specified by 35 U.S.C. 112. The term ''biological material'' is defined by 37 CFR 1.801 as including material that is capable of self-replication, either directly or indirectly. When the invention involves a biological material, sometimes words and figures are not sufficient to satisfy the statutory requirement for patentability under 35

U.S.C. 112. In such cases, the required biological material must either be: (1) Known and readily available (neither condition alone is sufficient) or, (2) deposited in a suitable depository that has been recognized as an International Depositary Authority (IDA) established under the Budapest Treaty, or a depository recognized by the USPTO to meet the requirements of 35 U.S.C. 112.

In cases where a deposit is necessary, it must be made under conditions that assure access to those entitled thereto under 37 CFR 1.14 and 35 U.S.C. 122 and upon issuance as a patent that all restriction to public access is permanently removed.

In order to meet and satisfy requirements for international patenting, all countries signing the Budapest Treaty must recognize the deposit of biological material with any International Depositary Authority (IDA).

II. Method of Collection

By mail, hand delivery, or electronically to the USPTO.

III. Data

OMB Number: 0651–0022.

Form Number(s): None.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: 2,001 responses per year. The USPTO estimates that approximately 5% of these responses will be from small entities.

Estimated Time per Response: The USPTO estimates that it will take the public 1 hour to gather the necessary information, prepare the appropriate form or documents, and submit the information to the USPTO for a deposit of biological materials. The USPTO estimates that it will take the average depository seeking approval to store biological materials approximately 5 hours to collect and submit the necessary approval information.

Estimated Total Annual Respondent Burden Hours: 2,005 hours.

Estimated Total Annual Respondent Cost Burden: $61,855 per year to submit the information to the USPTO. Using the professional hourly rate of $30 for a senior administrative assistant, the USPTO estimates $60,000 per year for salary costs associated with collecting and submitting the necessary deposit information to the USPTO. The USPTO expects that the information in this collection associated with the average depository seeking approval to store biological material will be prepared by attorneys at an estimated rate of $371 per hour, for a total of $1,855. Therefore, the USPTO estimates that the respondent cost burden for this collection will be approximately $61,855 per year.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Deposited Materials	1 hour	2,000	2,000
Depository Approval	5 hours	1	5
Totals		2,001	2,005

Estimated Total Annual Non-hour Respondent Cost Burden: $5,938,646. There are no maintenance costs, recordkeeping costs, or filing fees associated with this information collection. However, this collection has annual (non-hour) costs in the form of capital start-up and postage costs.

Depositories charge fees to depositors; all depositories charge about the same rates for their services. For example, the American Type Culture Collection (ATCC), one of the world's leading biological supply houses and recognized patent depositories, offers comprehensive patent services for $2,500 per deposit. Most deposits received from outside the United States require an import permit from the U.S. Department of Agriculture (USDA) as well as a Public Health Service (PHS) permit, available from the Centers for Disease Control and Prevention (CDC), for importation of agents infectious to humans. There is no extra charge for this permit application processing. The USPTO estimates that the total non-hour respondent cost burden in the form of capital start-up costs amounts to $5,000,000.

In addition, this collection does have postage costs. Biological deposits are generally shipped to the depository ''Domestic Overnight'' by Federal Express (FedEx) and, since depositors are urged to supply frozen or freeze-dried material, it must be packed in dry ice according to a representative from the Patent Department at ATCC. Dry ice itself is considered dangerous goods and requires special packaging. Additional FedEx special handling charges for inaccessible dangerous goods shipments of $37.50 per shipment apply for temperature-sensitive biological materials and also for the dry ice. An average cost for shipping by FedEx ''Domestic Overnight'' is estimated to be $75. If the shipment requires pick-up by FedEx, there is an additional charge of $4. Special packaging is also required for these shipments. According to DG Supplies Inc., a supplier of infectious and diagnostic goods packaging, the average cost of frozen infectious shippers is estimated to be $352.82 per package of four for specimen shipments requiring refrigeration or dry ice. Therefore, postage costs average $469.32 per shipment, for a total cost to respondents of $938,640.

The postage cost for a depository seeking recognition is estimated to be $5.95, sent to the USPTO by priority mail through the United States Postal Service. Since the USPTO estimates that it receives one request for recognition from a depository every four years, the average postage cost to respondents is approximately $6 per year.

The USPTO estimates that the (non-hour) respondent cost burden in the form of mailing costs amounts to $938,646.

Therefore, the USPTO estimates that the total (non-hour) respondent cost burden for this collection in the form of capital start-up costs and postage costs is $5,938,646.

IV. Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

The USPTO is soliciting public comments to: (a) 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; (b) 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; (c) Enhance the quality, utility, and clarity of the information to be

collected; and (d) 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.

Dated: March 12, 2013.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer.

[FR Doc. 2013–06046 Filed 3–14–13; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. PTO–P–2012–0052]

Extension of the Period for Comments on the Enhancement of Quality of Software-Related Patents

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Request for comments; extension of the comment period.

SUMMARY: The United States Patent and Trademark Office (USPTO) published a notice announcing the formation of a partnership with the software community to enhance the quality of software-related patents (Software Partnership), and a request for comments on the preparation of patent applications, seeking input on potential practices for preparing patent applications. The USPTO also conducted two roundtables to obtain public input from organizations and individuals on topics relating to the quality of software-related patents and the preparation of software-related patent applications including: establishing clear boundaries for claims that use functional language; identifying additional topics for future discussion by the Software Partnership; and potential practices that applicants can employ at the drafting stage of a patent application in order to facilitate examination and bring more certainty to the scope of issued patents. The USPTO has received several requests for additional time to submit comments in response to the notice. Accordingly, the USPTO is extending the comment period to provide interested members of the public with additional time to submit comments to the USPTO.

DATES: *Comment Deadline Date:* To be assured of consideration, written comments must be received on or before April 15, 2013.

ADDRESSES: Written comments should be sent by electronic mail addressed to *SoftwareRoundtable2013@uspto.gov*. Comments may also be submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Seema Rao, Director, Technology Center 2100. Although comments may be submitted by postal mail, the USPTO prefers to receive comments via electronic mail because sharing comments with the public is more easily accomplished.

The comments will be available for public inspection on the USPTO's Web site at *http://www.uspto.gov,* and will also be available at the Office of the Commissioner for Patents, currently located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments. Parties who would like to rely on confidential information to illustrate a point are requested to summarize or otherwise submit the information in a way that will permit its public disclosure.

FOR FURTHER INFORMATION CONTACT: Seema Rao, Director, Technology Center 2100, by telephone at 571–272–5253, or by electronic mail message at *seema.rao@uspto.gov;* or Matthew J. Sked, Legal Advisor, by telephone at (571) 272–7627, or by electronic mail message at *matthew.sked@uspto.gov*.

SUPPLEMENTARY INFORMATION: On January 3, 2013, the USPTO published a notice announcing the Software Partnership, which is a cooperative effort between the USPTO and the software community to explore ways to enhance the quality of software-related patents. *See Request for Comments and Notice of Roundtable Events for Partnership for Enhancement of Quality of Software-Related Patents,* 78 FR 292 (January 3, 2013). The Software Partnership commenced with two bi-coastal roundtable events held in Silicon Valley on February 12, 2013, and in New York City on February 27, 2013, during which multiple speakers from the software community and the public offered oral comments on functional claim language, topics for future discussion by the Software Partnership, and the preparation of patent applications. The notice also invited the public to submit written comments on or before March 15, 2013. The USPTO has received several requests for additional time to submit comments, and is now extending the period for submission of public comments until April 15, 2013.

Dated: March 11, 2013.

Teresa Stanek Rea,

Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.

[FR Doc. 2013–06014 Filed 3–14–13; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. PTO–P–2011–0046]

Extension of the Period for Comments on the Preparation of Patent Applications

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Request for comments; extension of the comment period.

SUMMARY: The United States Patent and Trademark Office (USPTO) published a request for comments on the preparation of patent applications, seeking input on potential practices that applicants can employ at the drafting stage of a patent application in order to facilitate examination and bring more certainty to the scope of issued patents. The USPTO has received several requests for additional time to submit comments on the preparation of patent applications. Accordingly, the USPTO is extending the comment period to provide interested members of the public with additional time to submit comments to the USPTO.

DATES: *Comment Deadline Date:* To be assured of consideration, written comments must be received on or before April 15, 2013.

ADDRESSES: Written comments should be sent by electronic mail addressed to *QualityApplications_Comments@uspto.gov.* Comments may also be submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Nicole D. Haines. Although comments may be submitted by postal mail, the USPTO prefers to receive comments via electronic mail because sharing comments with the public is more easily accomplished.

The comments will be available for public inspection on the USPTO's Web

site at *http://www.uspto.gov,* and will also be available at the Office of the Commissioner for Patents, currently located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments. Parties who would like to rely on confidential information to illustrate a point are requested to summarize or otherwise submit the information in a way that will permit its public disclosure.

FOR FURTHER INFORMATION CONTACT: Nicole D. Haines, Legal Advisor, at (571) 272–7717; Kathleen Kahler Fonda, Senior Legal Advisor, at (571) 272–7754; or Matthew J. Sked, Legal Advisor, at (571) 272–7627, of the Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy. General patent practice inquiries may be directed to the Office of Patent Legal Administration, by telephone at (571) 272–7701, or by electronic mail at *PatentPractice@uspto.gov.*

SUPPLEMENTARY INFORMATION: On January 15, 2013, the USPTO published a notice requesting comments from the public on potential practices that applicants can employ at the drafting stage of a patent application in order to facilitate examination and bring more certainty to the scope of issued patents. *See Request for Comments on Preparation of Patent Applications,* 78 FR 2960 (January 15, 2013). Specifically, the USPTO requested input on whether adoption of a variety of potential practices by applicants early in the patent preparation process would assist the public in determining the scope of claims as well as the meaning of claim terms in the specification after a patent is granted. The notice invited the public to submit written comments on the potential practices on or before March 15, 2013. The USPTO has received several requests for additional time to submit comments, and is now extending the period for submission of public comments until April 15, 2013.

Dated: March 11, 2013.

Teresa Stanek Rea,

Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.

[FR Doc. 2013–06013 Filed 3–14–13; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletion from the Procurement List.

SUMMARY: The Committee is proposing to add products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes a service previously provided by such an agency.

DATES: *Comments Must Be Received on or Before:* April 15, 2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN: MR 1147—Christmas Novelty Flag, Decorative, 28″ x 40″
NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Military Resale-Defense Commissary Agency (DeCA), Fort Lee, VA
Coverage: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency.

NSN: 7510–01–389–2262—Self Stick Rectangular Flag, ''Sign Here'', 1.0″ X 1.75″, Yellow Flags
NPA: Association for the Blind and Visually Impaired—Goodwill Industries of Greater Rochester, Rochester, NY
Contracting Activity: General Services Administration, New York, NY
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.

Ice Melt/De-Icer

NSN: 6850–01–598–1946—10 lbs.
NSN: 6850–01–598–1926—20 lbs.
NSN: 6850–01–598–1933—40 lbs.
NPA: Bosma Industries for the Blind, Inc., Indianapolis, IN
Contracting Activity: Defense Logistics Agency Aviation, Richmond, VA
Coverage: B-List for the Total Government Requirement as aggregated by the Defense Logistics Agency Aviation, Richmond, VA.

Services

Service Type/Location: Landscaping Maintenance Service, Defense Contract Management Agency (DCMA), 3901 A Avenue, Buildings 10500, 10501, 10201 and 1024, Fort Lee, VA.
NPA: Richmond Area Association for Retarded Citizens, Richmond, VA
Contracting Activity: Defense Contract Management Agency (DCMA), Fort Lee, VA
Service Type/Location: Tactical Vehicle Wash Facility Service, Yano Tactical Vehicle Wash Facility, Directorate of Training Sustainment, Harmony Church, Building 5525, Fort Benning, GA.
NPA: Power Works Industries, Inc., Columbus, GA
Contracting Activity: Dept of the Army, W6QM MICC-Ft Benning, Fort Benning, GA
Service Type/Location: Grounds Maintenance and Snow Removal Service, Army Corps of Engineers District Headquarters Bldg., 201 North Third Ave, Walla Walla, WA
NPA: Lillie Rice Center, Walla Walla, WA
Contracting Activity: Dept of the Army, W071 ENDIST Walla Walla, Walla Walla, WA
Service Type/Locations: Facilities Support Service
NPA: Work, Incorporated, Dorchester, MA (Prime Contractor)
Contracting Activity: Dept of the Navy, NAVAL FAC Engineering CMD MID LANT, Norfolk, VA.
Navy Operational Support Center Fort Schuyler-Bronx, 4 Pennyfield Avenue, Bronx, NY, NPA: (Subcontractor) The Corporate Source, Inc., New York, NY.
Navy Operational Support Center Plainville, 1 Linsley Drive, Plainville, CT, NPA: (Subcontractor) Easter Seals Capital Region & Eastern Connecticut, Inc., Windsor, CT.
Navy Operational Support Center Quincy, 85 Sea Street, Quincy, MA, NPA: (Subcontractor) Community Workshops, Inc., Boston, MA.
Navy Operational Support Center White River Junction, 207 Holiday Drive, White River Junction, VT, NPA: (Subcontractor) Northern New England Employment Services, Portland, ME.
USS Constitution, Boston Navy Yard, Building 5, Charlestown, MA. NPA: (Subcontractor) Morgan Memorial Goodwill Industries, Boston, MA.

Deletion

The following service is proposed for deletion from the Procurement List:

Service

Service Type/Location: CSS/Custodial/Warehousing Service, Commissary ANGB, 99 Pesch Circle, Building 420, Bangor, ME.
NPA: Pathways, Inc., Auburn, ME
Contracting Activity: Defense Commissary Agency (DECA) Fort Lee, VA

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–06031 Filed 3–14–13; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds a product and service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 4/15/2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 1/18/2013 (78 FR 4133–4134), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product and service and impact of the additions on the current or most recent contractors, the Committee has determined that the product and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product and service to the Government.
2. The action will result in authorizing small entities to furnish the product and service to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product and service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product and service are added to the Procurement List:

Product

NSN: MR 1145—Server, Gravy Boat.
NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC.
Contracting Activity: Defense Commissary Agency, Fort Lee, VA.
Coverage: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency.

Service

Service Type/Location: Mess Attendant Service McConnell Air Force Base, KS.
NPA: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX.
Contracting Activity: Dept Of The Air Force, FA4621 22 CONS LGC, McConnell AFB, KS.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–06032 Filed 3–14–13; 8:45 am]

BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, March 20, 2013, 10:00 a.m.–11:00 a.m.

PLACE: Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Open to the Public.

MATTERS TO BE CONSIDERED:

Briefing Matter: Soft Infant Carriers.

A live Webcast of the Meeting can be viewed at *www.cpsc.gov/Webcast.*

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: March 13, 2013.

Todd A. Stevenson,

Secretary.

[FR Doc. 2013–06195 Filed 3–13–13; 4:15 pm]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice for Termination of a Disease Management Demonstration Project for TRICARE Standard Beneficiaries

AGENCY: Office of the Secretary of Defense, (Health Affairs)/TRICARE Management Activity, DoD.

ACTION: Notice for termination of a Disease Management Demonstration Project for TRICARE Standard Beneficiaries.

SUMMARY: This notice is to advise interested parties of the termination of a Military Health System (MHS) demonstration project entitled ''Disease Management Demonstration Project for TRICARE Standard Beneficiaries.'' The demonstration provided disease management (DM) services to TRICARE Standard beneficiaries who are not eligible to receive some DM-like services under the basic benefit regulations. TRICARE began the demonstration project in March 2007 for Standard beneficiaries and this demonstration project has enabled the MHS to evaluate the programs and identify ways to improve the provision of effective services by detecting strengths and weaknesses of the programs, as well as evidence of best practices. As the TRICARE Management Activity (TMA) chose a phased approach, the demonstration was extended twice, on March 16, 2009 (74 FR 11089–11090), and again on March 4, 2011 (76 FR 12081–12082), to allow time for all program evaluations. TMA intends to continue to provide DM services to eligible TRICARE beneficiaries through strategies based on evidence-based best practices, beneficiary's needs, plan category, and location of health care provision.

DATES: *Effective date:* March 31, 2013.

ADDRESSES: TRICARE Management Activity (TMA), 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101.

FOR FURTHER INFORMATION CONTACT: Robin Marzullo, TRICARE Management

Activity, Office of the Chief Medical Officer (703) 681–6173.

SUPPLEMENTARY INFORMATION: As a result of Section 734 0f the 2007 National Defense Authorization Act, the MHS implemented uniform policies and practices for DM throughout the TRICARE network. To include the Standard beneficiaries, who could not receive many of the services that are the cornerstone of DM per the Basic Benefit Regulations, a two year demonstration notice was published June 13 2007 (72 FR 32628–32629). The demonstration project provided for measuring the effectiveness of the DM programs in improving the health of TRICARE beneficiaries with chronic conditions. In addition, it allowed the MHS to identify best practices for improving the care management services for individuals with chronic conditions. The demonstration was extended twice. On March 16, 2009 a notice (74 FR 11089–11090) was published that extended the demonstration through March 31, 2011 and on March 4, 2011 (76 FR 12081–12082) further extended the demonstration through March 31, 2013. For several years, TRICARE has been evaluating the best way to provide assistance to people with certain chronic medical conditions. Based on TRICARE's evaluation of best health care practices, we found that chronic medical conditions are best managed as a routine part of good medical practice, and when structured to fit the individual beneficiary's circumstances and their specific health plan. Multiple analyses of the DM program were conducted, and in that same time period other studies for similar programs were piloted nationally that provided additional insight. The results of these analyses and literature reviews provided identification of evidence-based best practices that support the future direction of the MHS disease and chronic condition management programs. These best practices include team based—provider directed care, care coordination, self-management education and transitional care services that target at risk populations, have access to timely data, close interactions with care coordinators and primary care physicians, face-to-face contact with individuals involved in their own care, and supported by practices predominantly staffed by registered nurses.

Given the focus with the primary care provider in moving forward with disease and chronic care management, and the lack of a defined provider for the Standard beneficiaries, TMA has determined that the best course is for the Standard beneficiaries to receive disease and chronic care management direction from the provider of their choosing. TMA envisions the following scenarios related to the distinct structures of the health care benefit within TRICARE (Direct Care through the Military Treatment Facilities, Private Sector Care through contracted and non-contracted network providers, the US Family Health Plans etc.), chronic care management based on the above mentioned best-practices will be available to beneficiaries and adapted based on these factors. The DM services will also take into consideration the different benefit plans available (Prime, which operates like an HMO and requires enrollment with a primary care provider, vs. Standard which functions as a fee-for-service plan), and will modify the chronic care services provided to best match that plan. For example, Prime beneficiaries enrolled at an MTF would receive their services through a Patient-Centered Medical Home (where available). A Prime beneficiary enrolled to the network would receive DM services provided through the Managed Care Support Contractor's program. A Standard beneficiary not enrolled to a primary care provider, would receive disease and chronic care management from their chosen provider inside or outside the network, and would have access to disease specific educational information through the regional contractor Web sites or TRICARE online. Since the standard beneficiaries are not required to enroll with a primary care provider, and there is no visibility to the services they receive outside the network, it is not practicable to determine if they are receiving the recommended best-practices, and in turn to measure outcomes and determine effectiveness of care. As a result, it has been determined that Standard beneficiaries are best served being care-managed by the provider of their choosing; the provider being familiar with the Standard beneficiaries gaps in care and on-going needs.

TMA has developed a strategic plan for the on-going provision of disease and chronic care management services, based on the evidence-based best practices noted above, and have determined that the need for this demonstration has ceased. It is important to note that the end of this demonstration does not change the basic benefit for the Standard beneficiaries; they will continue to have access to all the services identified in 32 CFR 199.4.

Dated: March 12, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–06022 Filed 3–14–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2013–0002]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to reinstate a System of Records.

SUMMARY: The Department of the Army proposes to reinstate a systems of records in its inventory of record systems to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

After review, it has been determined that the records covered under these previously deleted notices (see 77 FR 13571–13573, March 7, 2012) are still being maintained and are active; therefore this notice is being reinstated.

DATES: This proposed action will be effective on April 15, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before April 15, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is of make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, Jr., Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22315–3827 or by phone at 703–428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army system of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**.

The Department of the Army proposes to reinstate a system of records in its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The previous system of records notice is being republished in its entirety, below. The reinstatement is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 12, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0600–8–22 AHRC

SYSTEM NAME:

Military Awards Case File.

SYSTEM LOCATION:

U.S. Army Human Resources Command, 200 Stovall Street, Alexandria, VA 22332–0471. Segments exist at Army commands which have been delegated authority for approval of an award. Official mailing addresses may be obtained from the U.S. Army Human Resources Command, 200 Stovall Street, Alexandria, VA 22332–0471.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel on active duty, members of reserve components, U.S. civilians serving with U.S. Army units in a combat zone, and deceased former members of the U.S. Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include recommendations for an award; endorsements; award board approvals/disapprovals; citation texts; Department of Army letter orders/general orders; related papers supporting the award; correspondence among the Army; service member, and individuals having knowledge/information relating to the service member concerned or the act or achievement for which an award is recommended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapters 57 and 357, Decorations and Awards; 10 U.S.C. 3013, Secretary of the Army; Army Regulation 600–8–22, Military Awards; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To consider individual nominations for awards and/or decorations; record final action; maintain individual award case files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to public and private organizations including news media, which grant or publicize awards or honors.

The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

By nominee's name, service number and/or Social Security Number.

SAFEGUARDS:

Records are maintained in locked file cabinets in secure buildings and are accessible only to designated personnel in the performance of their assigned duties.

RETENTION AND DISPOSAL:

Documents related to providing information about awards given to individuals, i.e., announcements, lists, cards, and similar information destroy after 2 years.

APPROVAL AND DISAPPROVAL AUTHORITY:

Approved awards relating to wartime and combat activities are held permanently; Approved peacetime awards and all disapproved awards are retired to the Washington National Records Center and are destroyed after 25 years. Offices not within the disapproval or approval authority maintain records for 2 years then destroy. Proficiency awards are destroyed on transfer of the individual.

PUBLIC AWARD CASES:

Exercising approval, authority maintain records for 56 years then destroy; Non-approval authority offices maintain records for 2 years then destroy.

SPECIAL ACHIEVEMENT AWARDS:

Exercising awarding authority, maintain records for 5 years then destroy; Non-Award authority offices maintain for 2 years then destroy.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Human Resources Command, Awards Policy Division, 200 Stovall Street, Alexandria, VA 22332–0471.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Human Resources Command, Awards Policy Division, 200 Stovall Street, Alexandria, VA 22332–0471.

Individual should provide the full name, service number and/or Social Security Number, grade and branch of service, name of award/honor, and current address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Human Resources Command, Awards Policy Division, 200 Stovall Street, Alexandria, VA 22332–0471.

Individual should provide the full name, service number and/or Social Security Number, grade and branch of service, name of award/honor, and current address.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From Recommendation for Awards (DA Form 638) with supporting records, forms, statements, letters, and similar documents originated by persons other than the awardee and other individuals having information useful in making an award determination.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2013–06018 Filed 3–14–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

Acquisition of Items for Which Federal Prison Industries Has a Significant Market Share

AGENCY: Department of Defense (DoD).

ACTION: Notice.

SUMMARY: DoD is publishing the annual list of product categories for which the Federal Prison Industries' share of the DoD Market is greater than five percent.

DATES: *Effective Date:* April 5, 2013.

FOR FURTHER INFORMATION CONTACT: Sheila Harris, telephone 703–614–1254.

SUPPLEMENTARY INFORMATION:

Background

On November 19, 2009, a final rule was published at 74 FR 59914 which amended the Defense Federal Acquisition Regulation Supplement (DFARS) 208.6, to implement Section 827 of the National Defense Authorization Act (NDAA) for Fiscal Year 2008, Public Law 110–181. Section 827 changed DoD competition requirements for purchases from Federal Prison Industries, Inc. (FPI) by requiring DoD to publish an annual list of product categories for which FPI's share of the DoD market was greater than five percent, based on the most recent fiscal year data available. Product categories on the current list, and the products within each identified product category, must be procured using competitive or fair opportunity procedures in accordance with Defense Federal Acquisition Regulation Supplement (DFARS) 208.602–70.

This notification provides an updated list of FPI product categories exceeding five percent of the DoD market, based on Fiscal Year 2012 data obtained from the Federal Procurement Data System. An identical list is also found in the Director, Defense Procurement and Acquisition Policy (DPAP) memorandum dated March 7, 2013. (The DPAP memorandum with the current list of product categories for which FPI has a significant market share is posted at: *http://www.acq.osd.mil/dpap/policy/policyvault/USA007579-12-DPAP.pdf).*

Accordingly, the updated product categories to be competed effective April 5, 2013, are:

- 5220 (Inspection Gages and Precision Layout Tools)
- 5335 (Metal Screening)
- 7210 (Household Furnishings)
- 7230 Draperies, Awnings, and Shades
- 8405 (Outerwear, Men's)
- 8415 (Clothing, Special Purpose)
- 8465 (Individual Equipment)
- 9905 (Signs, Advertising Displays and Identification Plates)

The statute, as implemented also requires DoD to:

(1) Include FPI in the solicitation process for items for which FPI's share of the DoD market is greater than five percent; a timely offer from FPI must be considered; and award procedures must be followed in accordance with existing policy at Federal Acquisition Regulation (FAR) 8.602(a)(4)(ii) through (v).

(2) Continue to be make acquisitions, in accordance with FAR Subpart 8.6., for items from product categories for which FPI does not have a significant market share. FAR 8.602 requires agencies to conduct market research and make a written comparability determination, at the discretion of the contracting officer. Competitive or fair opportunity procedures are appropriate if the FPI product is not comparable in terms of price, quality, or time of delivery.

(3) Section 827 allows modification of the published list if DoD subsequently determines that new data requires adding or omitting a product category from the list.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2013–06091 Filed 3–14–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Revised Notice of Intent To Prepare a joint Environmental Impact Statement/Environmental Impact Report for the Southport Sacramento River Early Implementation Project, West Sacramento, CA

AGENCY: Department of the Army, U.S. Army Corps of Engineers; DoD.

ACTION: Notice of Intent.

SUMMARY: This notice is a revision of the Notice of Intent published August 26, 2011 (76 FR 53423). Pursuant to the National Environmental Policy Act of 1969, as amended, and the California Environmental Quality Act (CEQA), the U.S. Army Corps of Engineers (USACE) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408), and Section 404 of the Clean Water Act (33 U.S.C. 1344), for the proposed Southport Sacramento River Early Implementation Project (EIP), sponsored by the West Sacramento Area Flood Control Agency (WSAFCA). Figures of the project area can be viewed at *http://www.cityofwestsacramento.org/city/flood.* WSAFCA is planning the Southport Sacramento River EIP to implement flood-risk management measures along the Sacramento River South Levee in the City of West Sacramento, Yolo County, CA. Since publication of the 2011 Notice of Intent, WSAFCA has expanded the study area to include additional potential soil borrow sites. Material from these borrow sites may be used as part of project construction. The potential construction area extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6 miles to the South Cross Levee, adjacent to the Southport community of West Sacramento. The potential soil borrow sites are located to the east and west of southern Jefferson Blvd.; adjacent to the construction area; immediately west of the Sacramento Deep Water Ship Channel; and south of the South Cross Levee. In order to implement the project, the sponsor must receive permission from USACE to alter the Federal project under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408 or, Section 408). USACE also has authority under Section 404 of the Clean Water Act (33 U.S.C. 1344) over activities involving the discharge of dredged or fill material to waters of the United States, which are known to be in the project area. The project would bring the levee up to current Federal and state levee design standards, and provide some opportunities for ecosystem restoration and public recreation. USACE, acting as the federal lead agency under NEPA, and WSAFCA, acting as the state lead agency under the CEQA in coordination with the Central Valley Flood Protection Board, have determined that an EIS/EIR should be prepared to describe alternatives, potential environmental effects, and mitigation measures.

DATES: Written comments regarding the scope of the environmental analysis should be received by April 8, 2013.

ADDRESSES: Written comments concerning this study and requests to be included on the Southport Sacramento River Early Implementation Project mailing list should be submitted to Ms. Tanis Toland, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK–PD–R), 1325 J Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Ms. Tanis Toland via telephone at (916)

557–6717, email: *Tanis.J.Toland@usace.army.mil* or regular mail at (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

1. *Proposed Action.* WSAFCA is proposing a project along the Sacramento River west levee under the California Department of Water Resources' Early Implementation Program to expeditiously complete flood-risk reduction measures. Known as the Southport Sacramento River EIP, the project proposes implementation of flood-risk reduction measures along a 6-mile long reach between the Barge Canal downstream to the South Cross Levee. Improvements to the levee would address through-seepage, under-seepage, and embankment instability (e.g., overly steepened slopes). As part of the project, an EIS/EIR is being prepared. USACE has authority under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408), over alterations to federal flood control project levees and any such alterations as proposed by WSAFCA are subject to approval by USACE. USACE also has authority under Section 404 of the Clean Water Act (33 U.S.C. 1344) over activities involving the discharge of dredged or fill material to waters of the United States, which are known to be in the project area. Under Section 10 of the Rivers and Harbors Act, the District Engineer may permit activities which do not affect navigable waters. Due to these authorities, USACE is the lead agency for the EIS pursuant to NEPA. WSAFCA is the lead agency for the EIR according to CEQA as the public agency that has the principal responsibility for carrying out and approving the project.

2. *Alternatives.* The EIS/EIR will consider several alternatives for reducing flood damage. Each alternative analyzed during the investigation will consist of a combination of several measures to reduce the risk of flooding. These measures include, but are not limited to, installing slurry cutoff walls, constructing seepage or stability berms, relief wells, rock slope protection, slope flattening, and potential new levee alignments (setback or adjacent levees).

3. *Scoping Process.*

a. Public scoping meetings were held on September 15, 2011, to present information to the public and receive comments from the public on the project. An additional public scoping meeting will be held to present an overview of changes to the scope of the EIS/EIR since publication of the 2011 Notice of Intent, and to afford all interested parties with an opportunity to provide comments regarding the scope of analysis and potential alternatives. A public scoping meeting will be held on March 28, 2013, at 5:30 p.m. at the City of West Sacramento City Hall Galleria Room, 1110 W. Capitol Ave., West Sacramento, CA 95691. The presentation will begin at 6:00 p.m. Scoping comments previously submitted following publication of the original August 26, 2011, Notice of Intent are still valid and need not be resubmitted.

b. Potentially significant issues to be analyzed in depth in the EIS/EIR include effects on hydraulics, wetlands and other waters of the U.S., vegetation and wildlife resources, special-status species, aesthetics, cultural resources, recreation, land use, fisheries, agricultural resources, water quality, air quality, transportation, and socioeconomics; and cumulative effects of related projects in the study area.

c. USACE is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act, and with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to comply with the Endangered Species Act. USACE is also coordinating with the U.S. Fish and Wildlife Service to comply with the Fish and Wildlife Coordination Act.

d. A 45-day public review period will be provided for all interested parties, individuals, and agencies to review and comment on the draft EIS/EIR. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS/EIR circulation.

4. *Availability.* The draft EIS/EIR is currently scheduled to be available for public review and comment in Summer 2013.

Dated: March 7, 2013.

William J. Leady,

Colonel, U.S. Army, District Commander.

[FR Doc. 2013–05928 Filed 3–14–13; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

List of Correspondence From July 1, 2012, Through September 30, 2012

AGENCY: Office of Special Education and Rehabilitative Services; Department of Education.

ACTION: Notice.

SUMMARY: The Secretary is publishing the following list of correspondence from the U.S. Department of Education (Department) to individuals during the previous quarter. The correspondence describes the Department's interpretations of the Individuals with Disabilities Education Act (IDEA) or the regulations that implement the IDEA. This list and the letters or other documents described in this list, with personally identifiable information redacted, as appropriate, can be found at: *http://www2.ed.gov/policy/speced/guid/idea/index.html.*

FOR FURTHER INFORMATION CONTACT: Jill Harris or Mary Louise Dirrigl. Telephone: (202) 245–7372.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you can call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of this list and the letters or other documents described in this list in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting Jill Harris or Mary Louise Dirrigl at (202) 245–7372.

SUPPLEMENTARY INFORMATION: The following list identifies correspondence from the Department issued from July 1, 2012, through September 30, 2012. Under section 607(f) of the IDEA, the Secretary is required to publish this list quarterly in the **Federal Register**. The list includes those letters that contain interpretations of the requirements of the IDEA and its implementing regulations, and it may also include letters and other documents that the Department believes will assist the public in understanding the requirements of the law. The list identifies the date and topic of each letter, and it provides summary information, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been redacted, as appropriate.

Part B—Assistance for Education of All Children With Disabilities

Section 612—State Eligibility

Topic Addressed: Children in Private Schools

○ Letter dated August 8, 2012, to Missoula County Public Schools Superintendent Alex P. Apostle, regarding how a local educational agency (LEA) can meet equitable services requirements for parentally-placed private school children with disabilities if student enrollment changes during the school year.

Section 613—Local Educational Agency Eligibility

Topic Addressed: Maintenance of Effort

○ Letter dated August 20, 2012, to Beth Swedeen, Lynn Breedlove, and Maureen Ryan, co-chairs of the Survival

Coalition of Wisconsin Disability Organizations, regarding actions taken by the Wisconsin Department of Public Instruction to ensure compliance with the LEA maintenance of effort requirement.

○ Letter dated September 7, 2012, to New Mexico Public Education Department Assistant General Counsel Albert V. Gonzales, regarding the exception to the LEA maintenance of effort requirement due to the voluntary departure of special education or related services personnel, as permitted under Part B of the IDEA.

Section 614—Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

Topic Addressed: Individualized Education Programs

○ Letter dated July 13, 2012, to U.S. Senator Patty Murray, regarding the individualized education program (IEP) requirements governing braille instruction for blind or visually impaired students.

○ Letter dated September 6, 2012, to New York attorney Arthur Ackerhalt, regarding an LEA's policy addressing start dates for providing related services during the school year.

Section 615—Procedural Safeguards

Topic Addressed: Impartial Due Process Hearings

○ Letter dated August 9, 2012, to Lewisville Independent School District Executive Director of Special Education Paula Walker, regarding parent participation in resolution meetings.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 12, 2013.

Michael Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2013–06074 Filed 3–14–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records—Free Application for Federal Student Aid (FAFSA) Completion Study

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, (Privacy Act), the Department of Education (Department) publishes this notice of a new system of records entitled ''The FAFSA Completion Study'' (18–13–34).

DATES: The Department seeks comment on the new system of records described in this notice, in accordance with the requirements of the Privacy Act. We must receive your comments on the proposed routine uses for the system of records referenced in this notice on or before April 15, 2013.

The Department filed a report describing the new system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on March 12, 2013. This system of records will become effective at the later date of—(1) the expiration of the 40-day period for OMB review on April 22, 2013, unless OMB waives 10 days of the 40-day review period for compelling reasons shown by the Department, or (2) April 15, 2013, unless the system of records needs to be changed as a result of public comment or OMB review.

ADDRESSES: Address all comments about this new system of records to Dr. Audrey Pendleton, Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001. Telephone: (202) 208–7078. If you prefer to send comments through the Internet, use the following address: *comments@ed.gov.*

You must include the term ''FAFSA Completion Study'' in the subject line of the electronic message.

During and after the comment period, you may inspect all comments about this notice at the U.S. Department of Education in room 502D, 555 New Jersey Avenue NW., Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Eastern Time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability, such as a reader or print magnifier, who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Dr. Marsha Silverberg. Telephone: (202) 208–7178. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed in this section.

SUPPLEMENTARY INFORMATION:

Introduction

The Privacy Act (5 U.S.C. 552a) requires the Department to publish in the **Federal Register** this notice of a new system of records maintained by the Department. The Department's regulations implementing the Privacy Act are contained in part 5b of Title 34 of the Code of Federal Regulations (CFR).

The Privacy Act applies to any record about an individual that is maintained in a system of records from which individually identifying information is retrieved by a unique identifier associated with each individual, such as a name or Social Security Number. The information about each individual is called a ''record,'' and the system, whether manual or computer-based, is called a ''system of records.''

The Privacy Act requires each agency to publish a notice of a system of records in the **Federal Register** and to prepare and send a report to OMB

whenever the agency publishes a new system of records or makes a significant change to an established system of records. Each agency is also required to send copies of the report to the Chair of the Senate Committee on Homeland Security and Governmental Affairs and the Chair of the House Committee on Oversight and Government Reform. These reports are inc1uded to permit an evaluation of the probable effect of the proposal on the privacy rights of individuals.

The National Center for Education Evaluation and Regional Assistance at the Department's Institute of Education Sciences (IES) is conducting an evaluation of the impacts of the Department's providing school districts with access to data on individual students' Free Application for Student Aid (FAFSA). Districts and their schools are expected to implement targeted outreach to seniors and their families who have not completed the FAFSA. This study is authorized by section 173(a)(1)(A) of the Education Sciences Reform Act of 2002 (ESRA) (20 U.S.C. 9563(a)(1)(A)), which authorizes the National Center for Education Evaluation and Regional Assistance to conduct evaluations of Federal education programs administered by the Secretary and to determine the impact of such programs. The study will compare students from schools with access to students' FAFSA completion data to students from similar schools without access to FAFSA completion data in order to assess the effects of access to FAFSA completion data on FAFSA completion rates, Federal financial aid receipt, and college enrollment. IES staff are conducting the study, although they may receive some assistance from an existing technical support contract.

The study will provide credible and reliable information to help guide future policy decisions in the area of Federal financial aid. The central research questions that the study will address are: What is the impact of school access to individual FAFSA completion data on students' applications for Federal student aid? Does this access increase receipt of Federal student aid? Does this access affect college enrollment?

The system will contain records on approximately 180,000 students from 80 participating school districts. *Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 12, 2013.

John Q. Easton,

Director, Institute of Education Sciences.

For the reasons discussed in the preamble, the Director of the Institute of Education Sciences, U.S. Department of Education, publishes a notice of a new system of records to read as follows:

SYSTEM NUMBER: 18–13–34

SYSTEM NAME:

The FAFSA Completion Study.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

(1) Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences (IES), U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001.

(2) Decision Information Resources, Inc., 2600 Southwest Freeway, Suite 900, Houston, Texas 77098–[Insert the last four digits of ZIP code] (contractor).

(3) Abt Associates, 4550 Montgomery Avenue, Suite 800 North, Bethesda, MD 20814–3343 (subcontractor).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will contain records on approximately 180,000 students from 80 school districts.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records includes student directory information, as described in 34 CFR 99.3, 99.31(a)(11), and 99.37, obtained from school districts that agree to participate in the study. For the participating school districts, the student directory information on those students who have not opted out of the disclosure of their directory information includes the student's name, birth date, and zip code. This system of records also includes information on the student's FAFSA completion status and the resulting financial aid received by the student, which is obtained from the Department's Office of Federal Student Aid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The study is authorized by section 173(a)(1)(A) of the Education Sciences Reform Act of 2002 (ESRA) (20 U.S.C. 9563(a)(1)(A)), which authorizes the National Center for Education Evaluation and Regional Assistance to conduct evaluations of Federal education programs administered by the Secretary and to determine the impact of such programs.

PURPOSE(S):

The information contained in the records maintained in this system will support an evaluation of the impacts of the Department's providing school districts with access to data on individual students' Free Application for Student Aid (FAFSA). Districts and their schools are expected to implement targeted outreach to seniors and their families who have not completed the FAFSA. The study will compare students from schools with access to students' FAFSA completion data to students from similar schools without access to the students' FAFSA completion data in order to assess the effects of access to FAFSA completion data on FAFSA completion rates, Federal financial aid receipt, and college enrollment. The study will address the following research questions:

1. What is the impact of school access to the completion data on students' applications for Federal student aid? With completion of a FAFSA a necessary prerequisite for obtaining federal student aid, the most direct goal of the project is to increase rates of FAFSA form completions; the evaluation will examine whether this is the case.

2. What is the impact on students' receipt of Federal student aid? Receipt of financial aid is the key gateway to college enrollment. In addition, it is possible that school's project efforts could increase not only FAFSA application completion rates but also the accuracy and quality of the information provided, thereby making students more likely to receive aid.

3. What is the impact on college enrollment? Ultimately, the Department hopes that providing schools with access to individual student FAFSA data will—through increased receipt of financial aid—also increase college enrollment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act), under a computer matching agreement. Any disclosure of individually identifiable information from a record in this system must also comply with the requirements of section 183 of the ESRA (20 U.S.C. 9573) providing for confidentiality standards that apply to all collections, reporting, and publication of data by IES.

(1) *Contract Disclosure.* If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

(2) *Research Disclosure.* The Director of the Institute of Education Sciences may disclose information from this system of records to qualified researchers solely for the purpose of carrying out specific research that is compatible with the purpose(s) of this system of records. The researcher shall be required to maintain safeguards under the Privacy Act and section 183 of the ESRA (20 U.S.C. 9573(c)) with respect to such records. When personally identifiable information from a student's education record, other than directory information, will be disclosed to the researcher under the Family Educational Rights and Privacy Act (FERPA), the researcher also shall be required to comply with the requirements in the applicable FERPA exception to consent.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Department maintains records on CD–ROM, and should IES' technical support contractor (Decision Information Resources, Inc.) and sub-contractor (Mathematica Policy Research, Inc.) be asked to provide assistance, they will maintain data for this system on computers and in hard copy.

RETRIEVABILITY:

Records in this system are indexed and retrieved by a number assigned to each individual that is cross-referenced by the individual's name on a separate list.

SAFEGUARDS:

All physical access to the Department's site and to the sites of the Department's contractor and subcontractor, where this system of records may be maintained, is controlled and monitored by security personnel. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a need-to-know basis, and controls individual users' ability to access and alter records within the system. The contractor and subcontractor, should they be asked to provide technical support, will establish a similar set of procedures at their sites to ensure confidentiality of data. The contractor's and subcontractor's systems are required to ensure that information identifying individuals is in files physically separated from other research data. The contractor and subcontractor will maintain security of the complete set of all master data files and documentation. Access to individually identifying data will be strictly controlled. All data will be kept in locked file cabinets during nonworking hours, and work on hardcopy data will take place in a single room, except for data entry. Physical security of electronic data will also be maintained. Security features that protect project data include: Password-protected accounts that authorize users to use the contractor's system but to access only specific network directories and network software; user rights and directory and file attributes that limit those who can use particular directories and files and determine how they can use them; and additional security features that the network administrators will establish for projects as needed. The contractor's and subcontractor's employees who ''maintain'' (collect, maintain, use, or disseminate) data in this system shall comply with the requirements of the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with the Department's Records Disposition Schedule ED 068.a (NARA Disposition Authority N1–441–08–18).

SYSTEM MANAGER AND ADDRESS:

Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the systems manager. Your request must meet the requirements of regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURE:

If you wish to gain access to your record in the system of records, contact the system manager. Your request must meet the requirements of regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURE:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.7, including proof of identity.

RECORD SOURCE CATEGORIES:

This system contains records on students participating in the FAFSA Completion Study. Data will be obtained through student directory information maintained by participating school districts and data extracts from the Office of Federal Student Aid.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2013–06073 Filed 3–14–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Availability of the Draft Uranium Leasing Program Programmatic Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice of Availability.

SUMMARY: The U.S. Department of Energy (DOE) announces the availability of the Draft *Uranium Leasing Program Programmatic Environmental Impact Statement* (Draft ULP PEIS, DOE/EIS–0472D), for public comment. DOE is

also announcing the dates, times, and locations for public hearings to receive comments on the Draft ULP PEIS. DOE has prepared the Draft ULP PEIS pursuant to the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality's (CEQ's) NEPA regulations (40 CFR parts 1500–1508), and DOE's NEPA implementing procedures (10 CFR part 1021) to analyze the reasonably foreseeable potential environmental impacts, including the site-specific impacts, of the range of reasonable alternatives for the management of the ULP. DOE's ULP administers 31 tracts of land covering an aggregate of approximately 25,000 acres (10,000 ha) in Mesa, Montrose, and San Miguel Counties in western Colorado for exploration, mine development, operations, and reclamation of uranium mines. The cooperating agencies on this ULP PEIS are the: U.S. Department of the Interior (DOI), Bureau of Land Management (BLM); U.S. Environmental Protection Agency (EPA); Colorado Department of Transportation; Colorado Division of Reclamation, Mining, and Safety; Colorado Parks and Wildlife ; Mesa County Commission; Montrose County Commission; San Juan County Commission; San Miguel County Board of Commissioners; Pueblo of Acoma Tribe; Pueblo de Cochiti Tribe; Pueblo de Isleta Tribe; Navajo Nation; and Southern Ute Indian Tribe.

DATES: DOE invites Federal agencies, state and local governments, Native American tribes, industry, other interested organizations, and members of the public to comment on the Draft ULP PEIS during the 60-day public comment period, which ends on May 16, 2013. Comments received after this date will be considered to the extent practicable. DOE will hold public hearings on the Draft ULP PEIS; the dates, times and locations are listed under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Please direct written comments on the Draft ULP PEIS to Mr. Raymond Plieness, ULP PEIS Document Manager, Office of Legacy Management, U.S. Department of Energy, 11025 Dover Street, Suite 1000, Westminster, CO 80021. Comments may also be submitted via email to *ulpeis@anl.gov* or via the internet at *http://ulpeis.anl.gov/*. DOE will give equal weight to written, email, and oral comments. Questions regarding the ULP PEIS process, requests to be placed on the ULP PEIS mailing list, and requests for copies of the document should be directed to Mr. Plieness by the means given above.

FOR FURTHER INFORMATION CONTACT: For general information about the NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, GC–54, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: (202) 586–4600, leave a message at 1–800–472–2756, or send an email to Ask *NEPA@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: Congress authorized DOE's predecessor agency, the U.S. Atomic Energy Commission (AEC), to develop a supply of domestic uranium. In 1948, the BLM issued Public Land Order (PLO) 459, which stated, ''Subject to valid existing rights and existing withdrawals, the public lands and the minerals reserved to the United States in the patented lands in the following areas in Colorado are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for the use of the United States Atomic Energy Commission.'' Subsequently, other PLOs increased or decreased the total acreage of the withdrawn lands. In addition, the Federal Government, through the Union Mines Development Corporation, acquired a substantial number of patented and unpatented mining claims, mill and tunnel site claims, and agricultural patents, until the aggregated acreage managed by AEC totaled approximately 25,000 acres (10,000 ha). The areas under consideration are located in western Colorado in Mesa, Montrose, and San Miguel Counties.

In July 2007, DOE issued a Programmatic Environmental Assessment (PEA) for the ULP, in which it examined three alternatives for the management of the ULP for the next 10 years. In that same month, DOE issued a Finding of No Significant Impact (FONSI), in which DOE announced its decision to proceed with the Expanded Program Alternative, and also determined that preparation of an environmental impact statement was not required. Under the Expanded Program Alternative, DOE would extend the 13 existing leases for a 10-year period and would also expand the ULP to include the competitive offering of up to 25 additional lease tracts to the domestic uranium industry.

In 2008, DOE implemented the Expanded Program Alternative and executed new lease agreements with the existing lessees for their 13 respective lease tracts, effective April 30, 2008. In addition, DOE offered the remaining, inactive lease tracts to industry for lease through a competitive solicitation process. That process culminated in the execution of 18 new lease agreements for the inactive lease tracts, effective June 27, 2008. Since that time, two lease tracts were combined into one and another lease was relinquished back to DOE. Accordingly, there are 29 lease tracts that are actively held under lease and 2 lease tracts that are currently inactive.

On June 21, 2011, DOE published a Notice of Intent (NOI) to prepare this PEIS (see Volume 76, page 36097 of the **Federal Register** [76 FR 36097]). In the NOI, DOE stated that it had determined, in light of the site-specific information that DOE had gathered as a result of the site-specific agency actions proposed and approved pursuant to the July 2007 PEA, that it was appropriate for DOE to prepare a PEIS in order to analyze the reasonably foreseeable environmental impacts, including the site-specific impacts, of a range of alternatives for the management of the ULP for the remainder of the 10-year period that was covered by the July 2007 PEA. After DOE published the NOI, it notified the ULP lessees that until the PEIS process was completed, DOE would not approve any new exploration and mining plans and would not require any lessees to pay royalties.

After DOE published its NOI, the U.S. District Court for the District of Colorado issued two Orders in a lawsuit in which plaintiffs had alleged that DOE's July 2007 PEA and FONSI violated NEPA and the Endangered Species Act (ESA). Colorado Environmental Coalition v. DOE, No. 08–cv–1624 (D. Colo.). In its first Order, issued on Oct. 18, 2011, the Court, among other things, invalidated the July 2007 PEA and FONSI; stayed the ULP leases; and ordered that after DOE conducts an environmental analysis that complies with NEPA, ESA, all other governing statutes and regulations, and that Order, DOE could then move the Court to dissolve its injunction enjoining DOE from approving any activities on ULP lands. In the Court's second Order, issued on Feb. 27, 2012, the Court granted in part DOE's motion for reconsideration of the first Order, and amended its injunction to allow DOE, other Federal, state, or local governmental agencies, and/or the ULP lessees to conduct certain activities that are absolutely necessary on ULP lands.

DOE has prepared the Draft ULP PEIS to analyze alternatives that address the range of reasonable alternatives for the management of the ULP. Site-specific information available on the 31 lease tracts (including current lessee information and status, size of each lease tract, previous mining operations, location of existing permitted mines and

associated structures, and other environmental information) has been utilized as the basis for the evaluation contained in the Draft ULP PEIS.

For the Draft ULP PEIS, DOE is complying with Executive Order (E.O.) 13175 and with Section 7 of the Endangered Species Act by engaging in consultation on a government-to-government basis with Native American tribes and with the U. S. Fish and Wildlife Service, respectively.

Alternatives

Five alternatives are analyzed in the Draft ULP PEIS as follows: (1) *Alternative 1:* DOE would terminate all leases, and all operations would be reclaimed by lessees. DOE would continue to manage the withdrawn lands, without leasing, in accordance with applicable requirements; (2) *Alternative 2:* Same as Alternative 1, except once reclamation was completed by lessees, DOE would relinquish the lands in accordance with 43 CFR part 2370. If DOI/BLM determines, in accordance with that same part of the CFR, the lands were suitable to be managed as public domain lands, they would be managed by BLM under its multiple use policies. DOE's uranium leasing program would end; (3) *Alternative 3:* DOE would continue the ULP as it existed before July 2007 with the 13 then-active leases, for the next 10-year period or for another reasonable period, and DOE would terminate the remaining leases; (4) *Alternative 4:* DOE would continue the ULP with the 31 lease tracts for the next 10-year period or for another reasonable period; and (5) *Alternative 5:* This is the No Action Alternative, under which DOE would continue the ULP with the 31 lease tracts for the remainder of the 10-year period, as the leases were when they were issued in 2008.

DOE's preferred alternative is Alternative 4. That is, DOE would continue the ULP with the 31 lease tracts for the next 10-year period or for another reasonable period.

Public Hearings and Invitation to Comment

DOE will hold four public hearings on the Draft ULP PEIS at the following locations, dates, and locations:

- Grand Junction, Colorado, April 22, 2013 from 6:30 to 9 p.m. at the Colorado Mesa University, University Center Ballroom, 1455 N. 12th St., Grand Junction, Co.
- Montrose, Colorado, April 23, 2013 from 6:30 to 9 p.m. at the Johnson Elementary School, 13820 67.00 Road, Montrose, CO.
- Telluride, Colorado, April 24, 2013 from 6:30 to 9 p.m. at the Telluride Middle/High School, 725 W Colorado Avenue, Telluride, Co.
- Naturita, Colorado, April 25, 2013 from 6:30 to 9 p.m. at the Naturita School, 141 W Main St., Naturita, Co.

The public hearings will begin with an open-house format with subject matter experts from DOE available to answer questions on the ULP and Draft ULP PEIS. The public hearing portion of the meeting will run from 7 p.m. through 9 p.m. Individuals who would like to present comments orally at these hearings should register upon arrival at the hearing or register via the internet at *http://ulpeis.anl.gov/* before the public hearing dates. Members of the general public are invited to attend the hearings at their convenience any time during hearing hours and submit their comments in writing, or in person to a court reporter. Written comments on the Draft ULP PEIS may also be submitted to the address shown above under **ADDRESSES** or on the Internet at *http://ulpeis.anl.gov/*.

The Draft ULP PEIS is also available for review on the ULP PEIS Web site at *http://ulpeis.anl.gov/* or the DOE NEPA Web site at *http://www.energy.gov/nepa* and at the following reading rooms:

- Nucla Public Library, 544 Z Rd., Nucla, CO 81424–0129, (970) 864–2166.
- Montrose Regional Library, 320 S. 2nd St., Montrose, CO 81401, (970) 249–9656.
- Naturita Public Library, 411 West Second Ave., Naturita, CO 81422, (970) 865–2848.
- Blanding Branch Library, 25 West 300 South, Blanding, UT 84511, (435) 978–2335.
- Mesa County Public Library, 655 N. 1st St., Grand Junction, CO 81501, (970) 683–2449.
- Norwood Public Library, 1110 Lucerne St., Norwood, CO 81423, (970) 327–4833.
- Dolores County Public Library, 525 N Main St., Dove Creek, CO 81324, (970) 677–2356.
- Wilkinson Public Library, 100 W Pacific Ave., Telluride, CO 81435, (970) 728–4519.
- Grand County Public Library, 257 East Center St., Moab, UT 84532, (435) 259–1111.
- San Juan County Library, 80 North Main St., Monticello, UT 84535–0066, (435) 587–2281.

Following the end of the public comment period on the Draft ULP PEIS described above, DOE will consider and respond to comments received during the comment period in the *Final Uranium Leasing Program Programmatic Environmental Impact Statement.* Comments received after the end of the comment period will be considered to the extent practicable. DOE decision-makers will consider the environmental impact analyses presented in the Final document, including public comments and other information, in making decisions related to the Final ULP PEIS.

Issued in Washington, DC, on March 5, 2013.

David W. Geiser,

Director, Office of Legacy Management.

[FR Doc. 2013–05777 Filed 3–14–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC13–7–000]

Commission Information Collection Activities (FERC–607); Comment Request

AGENCY: Federal Energy Regulatory Commission, DOE.

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 collection, FERC–607 (Report on Decision or Action on Request for Federal Authorization.), 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** (77 FR 76015, December 26, 2012) requesting public comments. FERC received no comments on the FERC–607 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by April 15, 2013.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0240, 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. IC13–7–000, 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–607: Report on Decision or Action on Request for Federal Authorization.

OMB Control No.: 1902–0240.

Type of Request: Three-year extension of the FERC–607 information collection requirements with no changes to the reporting requirements.

Abstract: The FERC–607 information collection requires agencies (Federal agency or officer, or State agency or officer acting pursuant to delegated Federal authority, responsible for a Federal authorization) to submit to the Commission a copy of a decision or action on a request for Federal authorization and an accompanying index to the documents and materials relied on in reaching a conclusion. The Commission authorizes the construction and operation of proposed natural gas projects under Natural Gas Act Sections 3 and 7; however, the Commission does not have jurisdiction over every aspect of each natural gas project. Hence, for a natural gas project to go forward, in addition to Commission approval, several different agencies must typically reach favorable findings regarding other aspects of the project. The Energy Policy Act of 2005 (EPAct 2005) modified FERC's role in order to better coordinate the activities of the separate agencies with varying responsibilities over proposed natural gas projects. Section 313 of EPAct 2005 [1] directs FERC to compile a record of each agency's decision along with the record of the Commission's decision. The Commission compiles this record in order to serve as a consolidated record for the purpose of appeal or review (including judicial review).

Type of Respondents: Government agencies responsible for issuing authorizations for proposed natural gas projects.

Estimate of Annual Burden [2]: The Commission estimates the total Public Reporting Burden for this information collection as:

FERC–607—REPORT ON DECISION OR ACTION ON REQUEST FOR FEDERAL AUTHORIZATION

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)
1	1	1	6	6

The total estimated annual cost burden to respondents is $414 [6 hours ÷ 2080 hours/year [3] * $143,540/year [4] = $414]

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.

Dated: March 11, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–06059 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC13–6–000]

Commission Information Collection Activities (FERC–606); Comment Request

AGENCY: Federal Energy Regulatory Commission, DOE.

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 collection, FERC–606 (Notification of Request for Federal Authorization and Requests for Further Information), 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** (77 FR 76016, 12/26/2012) requesting public comments. FERC received no comments on the FERC–606 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by April 15, 2013.

ADDRESSES: Comments filed with OMB (identified by the OMB Control No. 1902–0241) should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory

[1] Amended 15 U.S.C. 717n (Section 15).

[2] 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.

[3] 2080 hours = 52 weeks * 40 hours per week (i.e. 1 year of full-time employment).

[4] Average salary plus benefits per full-time equivalent employee.

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. IC13–6–000, 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–606: Notification of Request for Federal Authorization and Requests for Further Information.

OMB Control No.: 1902–0241.

Type of Request: Three-year extension of the FERC–606 information collection requirements with no changes to the reporting requirements.

Abstract: The FERC–606 information collection requires agencies (Federal agency or officer, or State agency or officer acting pursuant to delegated Federal authority, responsible for a Federal authorization) responsible for issuing, conditioning, or denying requests for Federal authorizations for a proposed natural gas project to report regarding the status of an authorization request. This reporting requirement is intended to allow agencies to assist the Commission to make better informed decisions in establishing due dates for agencies' decisions. The Commission authorizes the construction and operation of proposed natural gas projects under NGA Sections 3 and 7. However, the Commission does not have jurisdiction over every aspect of each natural gas project. For a natural gas project to progress the Commission must approve and several different agencies must typically reach favorable findings regarding other aspects of the project. To coordinate better the activities of the separate agencies with varying responsibilities over proposed natural gas projects, the Energy Policy Act of 2005 (EPAct 2005) modified FERC's role. Section 313 of EPAct 2005 [1] directs FERC to establish a schedule for agencies to review requests for federal authorizations required for a project.

Type of Respondents: Government agencies responsible for issuing authorizations for proposed natural gas projects.

Estimate of Annual Burden: [2] The Commission estimates the total Public Reporting Burden for this information collection as:

FERC–606: NOTIFICATION OF REQUEST FOR FEDERAL AUTHORIZATION AND REQUESTS FOR FURTHER INFORMATION

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)
1	1	1	4	4

The total estimated annual cost burden to respondents is $276 [4 hours ÷ 2,080 hours/year [3] * $143,540/year [4] = $276].

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.

Dated: March 11, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–06064 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC13–08–000]

Commission Information Collection Activities (FERC–556); Comment Request

AGENCY: Federal Energy Regulatory Commission, DOE.

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 collection FERC Form No. 556, ''Certification of Qualifying Facility (QF) Status for a Small Power Production or Cogeneration Facility'' (Form No. 556), 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** (77 FR 77067, 12/31/2012) requesting public comments. FERC received no comments on the FERC–556 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by April 15, 2013.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No.

[1] Amended 15 U.S.C. 717n (Section 15).

[2] 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.

[3] 2,080 hours = 52 weeks * 40 hours per week (i.e., 1 year of full-time employment).

[4] Average salary plus benefits per full-time equivalent employee.

1902–0075, 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. IC13–8–000, 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 Form No. 556, Certification of Qualifying Facility (QF) Status for a Small Power Production or Cogeneration Facility.

OMB Control No.: 1902–0075.

Type of Request: Three-year extension of the Form No. 556 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission requires the Form No. 556 to implement the statutory provisions in Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA).[1] FERC is authorized to encourage cogeneration and small power production and to prescribe such rules as necessary in order to carry out the statutory directives.

A primary statutory objective is the conservation of energy through efficient use of energy resources and facilities by electric utilities. One means of achieving this goal is to encourage production of electric power by cogeneration facilities which make use of reject heat associated with commercial or industrial processes, and by small power production facilities which use other wastes and renewable resources. PURPA, encourages the development of small power production facilities and cogeneration facilities which meet certain technical and corporate criteria through establishment of various regulatory benefits. Facilities that meet these criteria are called Qualifying Facilities or QFs.

FERC's regulations[2] specify:

• the certification procedures which must be followed by owners or operators of small power production and cogeneration facilities;

• the criteria which must be met;

• the information which must be submitted to FERC in order to obtain qualifying status;

• the PURPA benefits which are available to QFs to encourage small power production and cogeneration; and

• the requirements pertaining to PURPA implementation plans regarding the transaction obligations that electric utilities have with respect to QFs.

Among PURPA provisions in Part 292 are requirements for electric utilities to:

• purchase energy and capacity from QFs favorably priced on the basis of the avoided cost of the power that is displaced by the QF power (i.e. the incremental cost to the purchasing utility if it had generated the displaced power or purchased it from another source);

• sell backup, maintenance and other power services to QFs at rates based on the cost of rendering the services;

• provide certain interconnection and transmission services priced on a nondiscriminatory basis;

• operate in ''parallel'' with other interconnected QFs so that they may be electrically synchronized with electric utility grids; and

• make available to the public avoided cost information and system capacity needs.

18 CFR part 292 exempts QFs from certain corporate, accounting, reporting and rate regulation requirements, certain state laws and in certain instances, regulation under the Federal Power Act[3] and the Public Utility Holding Company Act of 2005.[4]

Type of Respondents: Respondents to the Form No. 556 are cogeneration facilities and small power producers with a generating capacity greater than 1Megawatt (MW) who are self-certifying their status as a cogenerator facility or small power producer facility or who are submitting an application for FERC certification of their status as a cogenerator facility.

Estimate of Annual Burden[5]: The Commission estimates the total Public Reporting Burden for this information collection as:

FORM NO. 556 (IC13–8–000): CERTIFICATION OF QUALIFYING FACILITY (QF) STATUS FOR A SMALL POWER PRODUCTION OR COGENERATION FACILITY

Facility type	Filing type	Number of respondents (A)	Total number of responses (B)	Average burden hours per response (C)	Estimated total annual burden hours (A) × (B) × (C)
cogeneration facility > 1MW	self-certification	53	2	8	848
cogeneration facility > 1MW	application for FERC certification	2	2	50	200
small power production facility > 1 MW.	self-certification	690	2	3	4,140
small power production facility > 1 MW.	application for FERC certification	0	0	6	0

[1] Public Law 95–617, November 9, 1978, 92 Stat. 3117. Codified at 16 U.S.C. 46,2601–45.

[2] 18 CFR part 292.

[3] 16 U.S.C. 791, *et seq.*

[4] 42 U.S.C. 16, 451–63.

[5] The Commission defines burden 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.

FORM NO. 556 (IC13–8–000): CERTIFICATION OF QUALIFYING FACILITY (QF) STATUS FOR A SMALL POWER PRODUCTION OR COGENERATION FACILITY—Continued

Facility type	Filing type	Number of respondents (A)	Total number of responses (B)	Average burden hours per response (C)	Estimated total annual burden hours (A) × (B) × (C)
cogeneration and small power production facility ≤ 1MW (not required to file).	self-certification	192	2	3	1,152
Totals		937			6,340

The total estimated annual cost burden to respondents is $374,757.40 [6,340 * $59.11].[6]

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.

Dated: March 7, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05948 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

[6] The cost figures are derived by multiplying the total hours to prepare a response (hours) by an hourly wage estimate of $59.11 (a composite estimate that includes legal, engineering and support staff wages and benefits obtained from the Bureau of Labor Statistic data at *http://bls.gov/oes/current/naics3_221000.htm* and *http://www.bls.gov/news.release/ecec.nr0.htm* rates.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2210–207]

Appalachian Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Revised filing of updated shoreline management plan as a result of settlement proceedings.

b. *Project No:* 2210–207.

c. *Date Filed:* February 28, 2013.

d. *Applicant:* Appalachian Power Company.

e. *Name of Project:* Smith Mountain Pumped Storage Project.

f. *Location:* Headwaters of the Roanoke River, in Bedford, Campbell, Franklin, and Pittsylvania Counties, Virginia.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Frank Simms, American Electric Power Service Corporation, 40 Franklin Rd. SW., Roanoke, VA 24011, (540) 985–2875, *fmsimms@aep.com.*

i. *FERC Contact:* Mark Carter, (678) 245–3083, *mark.carter@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* April 8, 2013.

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *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 be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (p–2210–207) on any comments or motions filed.

k. *Description of Application:* Appalachian Power Company (licensee) filed on January 3, 2011, and supplemented on February 18, 2011, an updated shoreline management plan (updated SMP) for Smith Mountain Lake and Leesville Lake, the two project reservoirs. In response to the Commission's March 17, 2011 public notice of the updated SMP, two parties filed motions to intervene in opposition and several parties filed comments in opposition to the updated SMP. Between December 9, 2011, and February 6, 2013, the licensee, intervening parties, and non-decisional Commission staff participated in settlement proceedings to resolve disputed issues with the updated SMP. On February 28, 2013, the licensee filed a Revised SMP Update that is the result of the settlement proceedings, and proposes several minor changes and the following major changes to the January 3, 2011 SMP filing: (1) Replacing the ''50% Rebuild Rule'' with three new provisions for permitting, maintaining, and replacing existing structures; (2) revising the process for obtaining a variance from SMP procedures; (3) adding language to clarify the expectation that replacement vegetative cover would flourish; and (4) clarifying the actions the licensee may take if shoreline uses or occupancies are not constructed according to a permit.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field (P–2210) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should

so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) Bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting, or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by a proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: March 7, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05946 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2309–000]

Jersey Central Power and Light Company, PSEG Fossil, LLC; Notice of Authorization for Continued Project Operation

On February 18, 2011, the Jersey Central Power and Light Company and PSEG Fossil LLC, licensees for the Yards Creek Pumped Storage Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Yards Creek Pumped Storage Hydroelectric Project is located on Yards Creek, in the townships of Hardwick and Blairstown, Warren County, New Jersey.

The license for Project No. 2309 was issued for a period ending February 28, 2013. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensees under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensees of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2309 is issued to the licensees for a period effective March 1, 2013 through February 28, 2014 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 28, 2014, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise. If the project is not subject to section 15 of the FPA, notice is hereby given that the licensees are authorized to continue operation of the Yards Creek Pumped Storage Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: March 7, 2013.

Kimberly D. Bose

Secretary.

[FR Doc. 2013–05947 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2079–000]

Placer County Water Agency; Notice of Authorization for Continued Project Operation

On February 23, 2011, the Placer County Water Agency, licensee for the Middle Fork American River Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Middle Fork American River Hydroelectric Project is located on the Middle Fork American River and the Rubicon River and located in Placer and El Dorado Counties, almost entirely within the Tahoe and El Dorado National Forests.

The license for Project No. 2079 was issued for a period ending February 28, 2013. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2079 is issued to the Placer County Water Agency for a period effective March 1, 2013 through February 28, 2014 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 28, 2014, notice is hereby given that, pursuant to 18 CFR 16.18(c),

an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise. If the project is not subject to section 15 of the FPA, notice is hereby given that the Placer County Water Agency is authorized to continue operation of the Middle Fork American River Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: March 7, 2013.

Kimberly D. Bose

Secretary.

[FR Doc. 2013–05950 Filed 3–14–13; 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: CP13–95–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC submits an application for abandonment of service provided to Atmos Energy Corporation under Rate Schedule GSS.
Filed Date: 3/5/13.
Accession Number: 20130305–5158.
Comments Due: 5 p.m. e.t. 3/14/13.

Docket Numbers: RP13–671–000.
Applicants: USG Pipeline Company, LLC.
Description: Housekeeping tariff filing to be effective 4/4/2013.
Filed Date: 3/5/13.
Accession Number: 20130305–5158.
Comments Due: 5 p.m. e.t. 3/18/13.

Docket Numbers: RP13–672–000.
Applicants: Columbia Gulf Transmission, LLC.
Description: Name Conversion—Columbia Gulf Company to Columbia Gulf LLC to be effective 3/1/2013.
Filed Date: 3/5/13.
Accession Number: 20130305–5159.
Comments Due: 5 p.m. e.t. 3/18/13.

Docket Numbers: RP13–673–000.
Applicants: B–R Pipeline Company.
Description: Housekeeping tariff filing to be effective 3/4/2013.
Filed Date: 3/5/13.
Accession Number: 20130305–5160.
Comments Due: 5 p.m. e.t. 3/18/13.

Docket Numbers: RP13–674–000.
Applicants: Ruby Pipeline, L.L.C.
Description: Tariff Updates and Housekeeping Filing to be effective 4/8/2013.
Filed Date: 3/6/13.
Accession Number: 20130306–5067.
Comments Due: 5 p.m. e.t. 3/18/13.

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.

Filings in Existing Proceedings

Docket Numbers: RP13–529–001.
Applicants: Guardian Pipeline, L.L.C.
Description: NAESB 2.0 Modification to be effective 4/1/2013.
Filed Date: 3/5/13.
Accession Number: 20130305–5129.
Comments Due: 5 p.m. e.t. 3/18/13.

Docket Numbers: RP13–530–001.
Applicants: Midwestern Gas Transmission Company.
Description: NAESB 2.0 Modification to be effective 4/1/2013.
Filed Date: 3/5/13.
Accession Number: 20130305–5124.
Comments Due: 5 p.m. e.t. 3/18/13.

Docket Numbers: RP13–531–001.
Applicants: OkTex Pipeline Company, L.L.C.
Description: NAESB 2.0 Modification to be effective 4/1/2013.
Filed Date: 3/5/13.
Accession Number: 20130305–5128.
Comments Due: 5 p.m. e.t. 3/18/13.

Docket Numbers: RP13–532–001.
Applicants: Viking Gas Transmission Company.
Description: NAESB 2.0 Modification to be effective 4/1/2013.
Filed Date: 3/5/13.
Accession Number: 20130305–5118.
Comments Due: 5 p.m. e.t. 3/18/13.

Docket Numbers: RP13–589–001.
Applicants: Northwest Pipeline GP.
Description: Rp13–589–001 Fuel Filing Amendment to be effective 4/1/2013.
Filed Date: 3/5/13.
Accession Number: 20130305–5157.
Comments Due: 5 p.m. e.t. 3/14/13.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

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: March 7, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–05973 Filed 3–14–13; 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 corporate filings:

Docket Numbers: EC10–51–001.
Applicants: T. Rowe Price Group, Inc.
Description: T. Rowe Price Associates, Inc. et al (Primary Applicants) request for reauthorization and extension of Blanket Authorizations to acquire and dispose of securities pursuant to Section 203 of the Federal Power Act.
Filed Date: 3/4/13.
Accession Number: 20130305–0200.
Comments Due: 5 p.m. e.t. 3/25/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–4267–005; *ER11–4270–005; ER11–4269–006 ER11–4268–005; ER11–113–006; ER10–2682–005 ER12–1680–003; ER11–4694–002.*
Applicants: Algonquin Energy Services Inc., Algonquin Power Windsor Locks LLC, Algonquin Tinker Gen Co., Algonquin Northern Maine Gen Co., Sandy Ridge Wind, LLC, Granite State Electric Company, Minonk Wind, LLC, GSG 6, LLC.
Description: Notice of Change in Status of Algonquin Energy Services Inc., et al.
Filed Date: 3/5/13.
Accession Number: 20130305–5182.
Comments Due: 5 p.m. e.t. 3/26/13.

Docket Numbers: ER13–1040–000.
Applicants: Wisconsin Public Service Corporation.
Description: Wisconsin Public Service Corporation Section 205 Filing to be effective 12/31/9998.
Filed Date: 3/5/13.
Accession Number: 20130305–5155.
Comments Due: 5 p.m. e.t. 3/26/13.

Docket Numbers: ER13–1041–000.
Applicants: American Electric Power Service Corporation, PJM Interconnection, L.L.C.

Description: AEP submits revisions to PJM Tariff Att H–14B Part II per Order in ER08–1329 to be effective 5/6/2013.
Filed Date: 3/5/13.
Accession Number: 20130305–5156.
Comments Due: 5 p.m. e.t. 3/26/13.

Docket Numbers: ER13–1042–000.
Applicants: Southwestern Public Service Company.
Description: 2013–3–6–GSEC–BCEC-Davidson-CA–658–0.0.0-Filing to be effective 3/7/2013.
Filed Date: 3/6/13.
Accession Number: 20130306–5015.
Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER13–1043–000.
Applicants: Southwestern Public Service Company.
Description: 2013–3–6–SPS–CWnd1–G–E&P–653 0.1.0 NOC-Filing to be effective 3/7/2013.
Filed Date: 3/6/13.
Accession Number: 20130306–5065.
Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER13–1044–000.
Applicants: PJM Interconnection, L.L.C.
Description: Revisions to the PJM OATT Attachment DD 5.10 re Quadrennial Review to be effective 7/1/2013.
Filed Date: 3/6/13.
Accession Number: 20130306–5066.
Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER13–1045–000.
Applicants: PacifiCorp.
Description: USBR–WAPA Weber Basin Project Agreement Rev 3 to be effective 5/6/2013.
Filed Date: 3/6/13.
Accession Number: 20130306–5068.
Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER13–1046–000.
Applicants: Southern California Edison Company.
Description: Notices of Cancellation of SGIA & DSA Littlerock SGF1 Project to be effective 1/15/2013.
Filed Date: 3/7/13.
Accession Number: 20130307–5000.
Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER13–1047–000.
Applicants: Tesoro Refining & Marketing Company LLC.
Description: Tesoro_Application_For_Acceptance_of_Tariff to be effective 5/1/2013.
Filed Date: 3/7/13.
Accession Number: 20130307–5001.
Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER13–1048–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: Northern States Power Company, a Minnesota corporation submits Notice of Cancellation of Service Agreement No. 235–NSP with Great River Energy Cooperative and Southern Minnesota Municipal Power Agency.
Filed Date: 3/5/13.
Accession Number: 20130305–5183.
Comments Due: 5 p.m. e.t. 3/26/13.

Docket Numbers: ER13–1049–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits Notice of Termination of Generator Interconnection Agreement No. 1876 for Project G519.
Filed Date: 3/5/13.
Accession Number: 20130305–5194.
Comments Due: 5 p.m. e.t. 3/26/13.

Docket Numbers: ER13–1050–000.
Applicants: ERA MA, LLC.
Description: Cancel Tariff to be effective 3/8/2013.
Filed Date: 3/7/13.
Accession Number: 20130307–5073.
Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER13–1051–000.
Applicants: Linden VFT, LLC.
Description: Linden VFT, LLC submits Request for Limited Waiver of Schedule 16 of PJM Interconnection, L.L.C.'s Open Access Transmission Tariff.
Filed Date: 3/6/13.
Accession Number: 20130306–5148.
Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER13–1052–000.
Applicants: Midwest Independent Transmission System Operator, Inc., PJM Interconnection, L.L.C.
Description: Revisions to the MISO–PJM JOA re the Calculation of Market Flow for JOUs to be effective 3/8/2013.
Filed Date: 3/7/13.
Accession Number: 20130307–5117.
Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER13–1053–000.
Applicants: Switch Energy LLC.
Description: Application for MBR Authority to be effective 3/8/2013.
Filed Date: 3/7/13.
Accession Number: 20130307–5122.
Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER13–1054–000.
Applicants: PJM Interconnection, L.L.C., Midwest Independent Transmission System Operator, Inc.
Description: PJM MISO JOA Marketflow Calculation-Impact Import Transactions to be effective 6/18/2013.
Filed Date: 3/7/13.
Accession Number: 20130307–5126.
Comments Due: 5 p.m. e.t. 3/28/13.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES13–11–000.
Applicants: Monongahela Power Company.
Description: FirstEnergy Service Company on behalf of Monongahela Power Company submits Revised Exhibits C, D, and E.
Filed Date: 3/5/13.
Accession Number: 20130305–5190.
Comments Due: 5 p.m. e.t. 3/15/13.

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: March 7, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–05974 Filed 3–14–13; 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: ER10–2179–017; ER10–2181–017; ER10–2182–017.
Applicants: Calvert Cliffs Nuclear Power Plant, LLC, Nine Mile Point Nuclear Station, LLC, R.E. Ginna Nuclear Power Plant, LLC.
Description: Notice of Non-Material Change in Status of Calvert Cliffs Nuclear Power Plant, LLC, et. al.
Filed Date: 3/8/13.
Accession Number: 20130308–5085.
Comments Due: 5 p.m. e.t. 3/29/13.

Docket Numbers: ER10–2367–003.
Applicants: Sycamore Cogeneration Company.
Description: MBR Compliance Filing to be effective 12/17/2012.
Filed Date: 3/7/13.
Accession Number: 20130307–5115.
Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER12–1418–000.
Applicants: TC Ravenswood, LLC.

Description: TC Ravenswood's Letter to FERC requesting Commission to defer taking further action in this proceeding.

Filed Date: 3/7/13.

Accession Number: 20130307–5081.

Comments Due: 5 p.m. e.t. 3/22/13.

Docket Numbers: ER12–2178–005; ER10–2172–016; ER12–2311–005; ER11–2016–011; ER10–2184–016; ER10–2183–013; ER10–1048–013; ER10–2176–017; ER10–2192–016; ER11–2056–010; ER10–2178–016; ER10–2174–016; ER11–2014–013; ER11–2013–013; ER10–3308–015; ER10–1020–012; ER10–1145–012; ER10–1144–011; ER10–1078–012; ER10–1080–012; ER11–2010–013; ER10–1081–012; ER10–2180–016; ER11–2011–012; ER12–2201–005; ER12–2528–004; ER11–2009–012; ER11–3989–010; ER10–1143–012; ER11–2780–010; ER12–1829–005; ER11–2007–011; ER12–1223–010; ER11–2005–013.

Applicants: AV Solar Ranch 1, LLC, Baltimore Gas and Electric Company, Beebe Renewable Energy, LLC, Cassia Gulch Wind Park, CER Generation II, LLC, CER Generation, LLC, Commonwealth Edison Company, Constellation Energy Commodities Group Maine, LLC, Constellation Energy Commodities Group, Inc., Constellation Mystic Power, LLC, Constellation NewEnergy, Inc., Constellation Power Source Generation LLC, Cow Branch Wind Power, L.L.C., CR Clearing, LLC, Criterion Power Partners, LLC, Exelon Framingham, LLC, Exelon Generation Company, LLC, Exelon New Boston, LLC, Exelon West Medway, LLC, Exelon Wind 4, LLC, Exelon Wyman, LLC, Handsome Lake Energy, LLC, Harvest WindFarm, LLC, Harvest II Windfarm, LLC, High Mesa Energy, LLC, Michigan Wind 1, LLC, Michigan Wind 2, LLC, PECO Energy Company, Safe Harbor Water Power Corporation, Shooting Star Wind Project, LLC, Tuana Springs Energy, LLC, Wildcat Wind, LLC, Wind Capital Holdings, LLC.

Description: Notice of Non-Material Change in Status of AV Solar Ranch 1, LLC, et. al.

Filed Date: 3/8/13.

Accession Number: 20130308–5126.

Comments Due: 5 p.m. e.t. 3/29/13.

Docket Numbers: ER12–2310–002.

Applicants: Zephyr Wind, LLC.

Description: Zephyr Wind, LLC's supplement to January 22, 2013 Notice of Change in Status.

Filed Date: 3/7/13.

Accession Number: 20130307–5196.

Comments Due: 5 p.m. e.t. 3/21/13.

Docket Numbers: ER13–588–002.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits tariff filing per 35: NYISO amendment to compliance revisions—interconnection study process to be effective 2/18/2013.

Filed Date: 3/8/13.

Accession Number: 20130308–5125.

Comments Due: 5 p.m. e.t. 3/29/13.

Docket Numbers: ER13–1055–000.

Applicants: California Independent System Operator Corporation.

Description: 2013–03–07 Order 755 Avg Instructed Mileage to be effective 5/1/2013.

Filed Date: 3/7/13.

Accession Number: 20130307–5183.

Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER13–1056–000.

Applicants: Northern States Power Company, a Wisconsin corporation.

Description: 2013_03_07_NSPW CRNLL-Op To Purch-Amnd-136 to be effective 1/1/2013.

Filed Date: 3/7/13.

Accession Number: 20130307–5192.

Comments Due: 5 p.m. e.t. 3/28/13.

Docket Numbers: ER13–1057–000.

Applicants: Southern California Edison Company.

Description: SGIA and Distribution Service Agmt with Victor Mesa Linda B to be effective 5/8/2013.

Filed Date: 3/8/13.

Accession Number: 20130308–5000.

Comments Due: 5 p.m. e.t. 3/29/13.

Docket Numbers: ER13–1058–000.

Applicants: Iberdrola Renewables, LLC.

Description: Iberdrola Wind Balancing Service Tariff to be effective 3/29/2013.

Filed Date: 3/8/13.

Accession Number: 20130308–5001.

Comments Due: 5 p.m. e.t. 3/18/13.

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: March 8, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–05972 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR13–15–000]

ExxonMobil Canada Energy, Flint Hills Resources Canada, LP, Imperial Oil, NOVA Chemical (Canada) Ltd., PBF Holding Company LLC, Toledo Refining Company, LLC, Pennzoil-Quaker State Canada, Inc., Phillips 66 Canada ULC, St. Paul Park Refining Co. LLC, Suncor Energy Marketing, Inc., United Refining Company v. Enbridge Energy, Limited Partnership; Notice of Complaint

Take notice that on March 5, 2013, pursuant to sections 1(6), 3(1), 9, 13(1), and 15(1) of the Interstate Commerce Act (ICA), 49 U.S.C. App. 1(6), 3(1), 9, 13, and 15(1), Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and section 343.2 of the Commission's Procedural Rules Applicable to Oil Pipeline Proceedings, 18 CFR 343.2, ExxonMobil Canada Energy, Flint Hills Resources Canada, LP, Imperial Oil, NOVA Chemical (Canada) Ltd., PBF Holding Company LLC, Toledo Refining Company, LLC, Pennzoil-Quaker State Canada, Inc., Phillips 66 Canada ULC, St. Paul Park Refining Co. LLC, Suncor Energy Marketing, Inc., and United Refining Company (Complainants) filed a formal complaint against Enbridge Energy, Limited Partnership (Respondent) alleging that, Respondent's Nomination Verification Procedure, section 6(c)(3) of its FERC Tariff No. 41.3.0 violates sections 1(6) and 15(1) of the ICA by imposing unjust and unreasonable, unjustly discriminatory and unduly preferential, terms and conditions for the use of Respondent's pipeline.

The Complainants certify that copies of the complaint were served on the Respondent.

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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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 *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 March 25, 2013.

Dated: March 7, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05949 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. FC13–1–000 et al.]

Notice of Effectiveness of Foreign Utility Company Status

	Docket Nos.
Pacific Northern Gas Ltd.	FC13–1–000
AtlaGas Utilities Inc.	FC13–2–000
Heritage Gas Ltd.	FC13–3–000
McNair Creek Hydro Limited Partnership	FC13–4–000
AtlaGas Pipeline Partnership	FC13–5–000
Bear Mountain Wind Limited Partnership	FC13–6–000

Take notice that during the month of February 2013, the status of the above-captioned entities as Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a).

Dated: March 7, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05951 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR13–41–000]

Enogex LLC; Notice of Filing

Take notice that on March 1, 2013, Enogex LLC filed pursuant to Exhibit A to its Operating Conditions Applicable to Transportation Services and section 284.123(e) of the Commission's regulations, to revise its annual fuel percentages as more fully described in the filing.

Any person desiring to participate in this rate filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 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 date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not 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 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 Monday, March 18, 2013.

Dated: March 11, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–06063 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR13–38–000]

American Midstream (Louisiana Intrastate), LLC; Notice of Filing

Take notice that on February 28, 2013, American Midstream (Louisiana Intrastate), LLC filed to revise its Statement of Operating Conditions to provide for a new Fuel Retention calculation as more fully described in the filing.

Any person desiring to participate in this rate filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 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 date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not 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 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 Monday, March 18, 2013.

Dated: March 11, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–06060 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR13–39–000]

Bay Gas Storage, LLC; Notice of Filing

Take notice that on February 28, 2013, Bay Gas Storage, LLC filed pursuant to Section 12.2.4 of its Statement of Operating Conditions to revise its Company Use Percentage as more fully described in the filing.

Any person desiring to participate in this rate filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 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 date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not 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 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 Monday, March 18, 2013.

Dated: March 11, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–06062 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1053–000]

Switch Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Switch Energy LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is March 28, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Dated: March 8, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–05971 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13643–001]

Basin Farm Renewables, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 1, 2013, Basin Farm Renewables, LLC filed an application for a successive preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Basin Farm Renewable Energy Project to be located on the Saxtons River, in the Town of Westminster, Windham County, Vermont. 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: (1) An intake structure equipped with trashracks; (2) an approximately 490-foot-long, 5.5-foot-diameter steel penstock adjacent to Twin Falls; (3) a 25-foot-long, 20-foot-wide powerhouse containing two or three turbine-generating units with an estimated total capacity of 250 kilowatts; (4) a 2,800-foot-long, 15-kilovolt buried transmission line connected to the existing electrical distribution system at Basin Farm; and (5) appurtenant facilities. The proposed project would

have an average annual generation of approximately 764,000 kilowatt-hours.

Applicant Contact: James World, 55 Main Street, Lancaster, NH 03584; phone: (802) 376–7677.

FERC Contact: Brandon Cherry; phone: (202) 502–8328.

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–13643) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: March 8, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05945 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14443–000]

Consolidated Irrigation Company; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On July 30, 2011, the Consolidated Irrigation Company of Preston, Idaho, 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 Consolidated Irrigation Glendale Conduit Hydro Project (Glendale Conduit Project or project) to be located on Mink and Cub Creeks, near Preston, in Franklin County, Idaho. The project would not occupy any Federal lands. 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) An existing screened intake on Mink Creek; (2) an existing screened intake on Cub Creek; (3) a new pipeline and penstock consisting of 8,520 feet of 24-inch-diameter, high-density polyethylene (HDPE) pipe, 4,340 feet of 30-inch-diameter HDPE pipe, and 4,060 feet of 36-inch-diameter HDPE pipe; (4) a powerhouse containing a 500-kilowatt turbine-generator; (5) a 1,700-foot-long, underground 12-kilovolt transmission cable connecting to an existing transmission line owned by Rocky Mountain Power; and (6) appurtenant facilities. The estimated annual generation of the Glendale Conduit Project would be 2,526 megawatt-hours.

Applicant Contact: Mr. Lyle Porter, President, Consolidated Irrigation Company, 33 South 1st East, Preston, ID 83263; phone: (208) 852–2364.

FERC Contact: Joseph Hassell; phone: (202) 502–8079.

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–14443) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: March 7, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05952 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2351–017]

Public Service Company of Colorado; Notice Revising Precedural Schedule

On January 25, 2013, the Commission issued a public *Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions* for the relicensing of the Public Service Company of Colorado's Cabin Creek Pumped Storage Project No. 2351, located on the South Clear Creek and its tributary Cabin Creek in Clear Creek County, Colorado. The project, as currently licensed, is located on 267 acres of U.S. Forest Service lands within the Arapahoe National Forest.

The procedural schedule published in the prior notice has been revised due to an error. The application will be processed according to the following

revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Ready for Environmental Analysis and Application Acceptance.	Friday, January 25, 2013.
Comments, Interventions, recommendations, prescriptions due.	Tuesday, March 26, 2013.
Requests 401 Certification.	Tuesday, March 26, 2013.
Reply Comments due	Friday, May 10, 2013.
Issue single EA	Wednesday, July 24, 2013.
Comments on EA due	Friday, August 23, 2013.
Modified 4(e) and Fishway Prescriptions.	Tuesday, October 22, 2013.

Dated: March 7, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05944 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–81–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on February 21, 2013, Columbia Gas Transmission, LLC (Columbia Gas), 5151 San Felipe, Suite 2500, Houston, Texas 77056, filed in Docket No. CP13–81–000, a prior notice request pursuant to sections 157.205, 157.210, and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA), seeking authorization to abandon and construct compressor units at its Rockport Compressor Station in Wood County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Specifically, Columbia Gas proposes to abandon three 1,000 horsepower (hp) compressor units and replace them with two 1,775 hp compressor units at its Rockport Compressor Station as part of its modernization project. Each new unit will be derated to produce 1,686 hp of compression. The estimated cost of the proposed facilities is $22,000,000.

Any questions regarding the applications should be directed to Fredric J. George, Senior Counsel, Columbia Gas Transmission, LLC, P.O. Box 1273, Charleston, West Virginia 25325–1273, phone (304) 357–2359, fax (304) 357–3206.

Any person may, within 60 days after the 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. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file 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 protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. 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.

Dated: March 7, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05943 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of FERC Staff Attendance

	Docket No.
PacifiCorp	ER13–64–000
Deseret Generation & Transmission Cooperative, Inc.	ER13–65–000
Northwestern Corporation (Montana).	ER13–67–000
Portland General Electric Company.	ER13–68–000
Idaho Power Company	ER13–127–000
Public Service Company of Colorado.	ER13–75–000
Terra-Gen Dixie Valley, LLC.	ER13–76–000
Tucson Electric Power Company.	ER13–77–000
UNS Electric, Inc	ER13–78–000
Public Service Company of New Mexico.	ER13–79–000
Arizona Public Service Company.	ER13–82–000
El Paso Electric Company.	ER13–91–000
Black Hills Power, Inc., et al.	ER13–96–000
Black Hills Colorado Electric Utility Company.	ER13–97–000
NV Energy, Inc	ER13–105–000
Cheyenne Light, Fuel and Power Company.	ER13–120–000
Avista Corporation	ER13–93–000
Avista Corporation	ER13–94–000
Puget Sound Energy	ER13–98–000
Puget Sound Energy	ER13–99–000
Bonneville Power Administration.	NJ13–1–000
California Independent System Operator Corporation.	ER13–103–000

The Federal Energy Regulatory Commission (Commission) hereby gives notice that on March 11, 2013, members of its staff will attend a conference call conducted by representatives of California Independent System Operator Corporation, ColumbiaGrid, Northern Tier Transmission Group, and WestConnect regarding the interregional coordination requirements established by Order No. 1000. The agenda and other documents for the meeting are available at *http://www.columbiagrid.org/O1000Inter-documents.cfm*.

The meeting is open to all stakeholders and Commission staff's attendance is part of the Commission's ongoing outreach efforts. The meeting may discuss matters at issue in the above captioned dockets.

For further information, contact Saeed Farrokhpay at *saeed.farrokhpay@ferc.gov*.

Dated: March 7, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05942 Filed 3–14–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2006–0894; FRL–9790–7]

Proposed Information Collection Request; Comment Request; Registration of Fuels and Fuel Additives—Requirements for Manufacturers; EPA ICR No. 0309.14

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR) ''Registration of Fuels and Fuel Additives—Requirements for Manufacturers'' (EPA ICR No. 0309.14, OMB Control No. 2060–0150) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through September 30, 2013. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before May 14, 2013.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2006–0894, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Compliance Division, Office of Transportation and Air Quality, Mail Code 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343–9303; fax number: (202) 343–2801; email address: *caldwell.jim@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA 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. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: In accordance with the regulations at 40 CFR part 79, subparts A, B, C, and D, Registration of Fuels and Fuel Additives, manufacturers (including importers) of motor-vehicle gasoline, motor-vehicle diesel fuel, and additives for those fuels, are required to have these products registered by EPA prior to their introduction into commerce. Registration involves providing a chemical description of the fuel or additive, and certain technical, marketing, and health-effects information. The development of health-effects data, as required by 40 CFR part 79, subpart F, is covered by a separate information collection. Manufacturers are also required to submit periodic reports (annually for additives, quarterly and annually for fuels) on production volume and related information. The information is used to identify products whose evaporative or combustion emissions may pose an unreasonable risk to public health, thus meriting further investigation and potential regulation. The information is also used to ensure that fuel additives comply with EPA requirements for protecting catalytic converters and other automotive emission controls. The data have been used to construct a comprehensive data base on fuel and additive composition. The Mine Safety and Health Administration of the Department of Labor restricts the use of diesel additives in underground coal mines to those registered by EPA. Most of the information is business confidential.

Form Numbers: EPA Forms 3520–12, 3520–12A, 3520–12Q, 3520–13, 3520–13A, and 3520–13B.

Respondents/affected entities: Manufacturers and importers of motor-vehicle gasoline, motor-vehicle diesel fuel, and additives to those fuels.

Respondents obligation to respond: Mandatory per 40 CFR part 79.

Estimated number of respondents: 1950.

Frequency of response: On occasion, quarterly, annually.

Total estimated burden: 20,600 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1.9 million per year, includes $45,000 annualized capital or operation & maintenance costs.

Changes in estimates: There is an increase of 900 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to an increase in the number of registered fuels for which quarterly and annual reports are required.

Dated: March 5, 2013.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality.

[FR Doc. 2013–06066 Filed 3–14–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0106; FRL–9381–6]

Pesticide Experimental Use Permits; Notice of Receipt of Applications; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of applications requesting experimental use permits (EUPs). The Agency has determined that the permits may be of regional and national significance. Therefore, because of the potential significance, and pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and is seeking comments on these applications.

DATES: Comments must be received on or before April 15, 2013.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the EUP File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: A contact person is listed at the end of each EUP application summary and may be contacted by telephone, email, or mail. Mail correspondence to the Registration Division (RD) (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. What action is the agency taking?

Under section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water. A copy of the applications and any information submitted is available for public review in the docket established for these EUP applications. Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

Therefore, pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP applications may be of regional and national significance, and therefore is seeking public comment on the following EUP applications:

1. *7969–EUP–UU.* (EPA–HQ–OPP–2013–0078). *Submitter:* BASF, 26 Davis Drive, Research Triangle Park, NC 27709. *Pesticide Chemical:* BAPMA Salt of Dicamba. *Type of Chemical:* Herbicide. *Summary of Request:* For use of 2,703 gallons (gal.) of BAPMA Salt of Dicamba 13,515 pounds (lbs.) active equivalent (a.e.) dicamba in/on 6,875 acres of Dicamba-tolerant cotton, Dicamba-tolerant soybeans; and cotton, soybeans, field corn, and wheat from February 1, 2013 through August 31, 2014. Contact: Michael Walsh, RD, (703) 308–2972, email address: *walsh.michael@epa.gov.*

2. *56228–EUP–UR.* (EPA–HQ–OPP–2013–0079). *Submitter:* Stephanie H. Stephens, United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Environmental and Risk Analysis Service, Unit 149, 4700 River Road, Riverdale, MD 20737. *Pesticide Chemical:* GonaCon—Canine. *Type of Chemical:* Contraceptive. *Summary of Request:* For use as a contraceptive of feral dogs on Indian reservations; Amount of product to be used: 412.5 milliliters (ml) 6.188 milligrams (mg) Gonadotropin releasing hormone (GnRH) GonaCon—Canine, 0.5 ml per dose; Number of dogs to be tested: 165 (Males—30, Control Group—15; Females—120, Control Group—0). Dates

of experimental use: April 1, 2013 through April 1, 2016; Contact: Jennifer Gaines, RD, (703) 305–5967, email address: *gaines.jennifer@epa.gov.*

3. *62719–EUP–AL.* (EPA–HQ–OPP–2013–0077). *Submitter:* Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268. *Pesticide Chemicals:* 2,4&-D Choline Salt plus Glyphosate. *Type of Chemical:* Herbicide. *Summary of Request:* For use of 1,000 lbs. of 2,4-D Choline Salt plus 1,000 lbs. of glyphosate 600 gal. in/on 500 acres of AAD–1 Corn from March 1, 2013 through March 1, 2014. Contact: Michael Walsh, RD, (703) 308–2972, email address: *walsh.michael@epa.gov.*

4. *62719–EUP–AU.* (EPA–HQ–OPP–2013–0076). *Submitter:* Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268. *Pesticide Chemicals:* 2,4-D Choline Salt plus Glyphosate. *Type of Chemical:* Herbicide. *Summary of Request:* For use of 9,936 lbs. of 2,4-D Choline Salt a.e. plus 9,936 lbs. Glyphosate a.e. 5,962 gal. in/on 4,968 acres of AAD–12 Soybeans; and 150 lbs. 2,4-D Choline Salt a.e. plus 150 lbs. Glyphosate a.e. 90 gal. in/on 75 acres of AAD–12 Cotton from January 31, 2013 through January 31, 2014. Contact: Michael Walsh, RD, (703) 308–2972, email address: *walsh.michael@epa.gov.*

List of Subjects

Environmental protection, Experimental use permits.

Dated: March 8, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2013–06102 Filed 3–14–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9008–2]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 03/04/2013 Through 03/08/2013

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html*

EIS No. 20130057, Final EIS, USFWS, CA, Llano Seco Riparian Sanctuary Unit Restoration and Pumping Plant/Fish Screen Facility Protection Project, Review Period Ends: 04/15/2013, Contact: Kelly Moroney 530–934–2801.

EIS No. 20130058, Final Supplement, NPS, WY, Yellowstone National Park Winter Use Plan, Review Period Ends: 04/15/2013, Contact: Wade Vagias 307–344–2035.

EIS No. 20130059, Draft EIS, USFWS, ID, Deer Flat National Wildlife Refuge Draft Comprehensive Conservation Plan, Comment Period Ends: 05/15/2013, Contact: Jennifer Brown-Scott 208–467–9278.

EIS No. 20130060, Draft EIS, DOE, CO, PROGRAMMATIC—Draft Uranium Leasing Program, Comment Period Ends: 05/16/2013, Contact: Ray Plieness 303–410–4806.

EIS No. 20130061, Draft EIS, USFS, OR, McKay Fuels and Vegetation Management Project, Comment Period Ends: 04/29/2013, Contact: Marcy Anderson 541–419–0517.

EIS No. 20130062, Draft EIS, USFS, NM, Roca Honda Mine Project, Exploration and Mine Development, Cibola National Forest, Comment Period Ends: 05/14/2013, Contact: Diane Tafoya 505–346–3809.

EIS No. 20130063, Final EIS, CALTRAN, CA, Tier 1—State Route 180 Westside Expressway, Review Period Ends: 04/15/2013, Contact: Kelly Hobbs 559–445–5286.

Dated: March 12, 2013.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2013–06104 Filed 3–14–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–OPP–2013–0036; FRL–9380–3]

Rolling Bay, LLC and Indus; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be transferred to Rolling Bay, LLC and its subcontractor, Indus, in accordance with the CBI regulations. Rolling Bay, LLC and its subcontractor, Indus, have been awarded a contract to perform work for OPP, and access to this information will enable Rolling Bay, LLC and its subcontractor, Indus, to fulfill the obligations of the contract.

DATES: Rolling Bay, LLC and its subcontractor, Indus, will be given access to this information on or before March 20, 2013.

FOR FURTHER INFORMATION CONTACT: Mario Steadman, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703)–305–8338, email address: *steadman.mario@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can i get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0036, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave., NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Contractor Requirements

Under Contract No. GS–35F–0072Y, Rolling Bay, LLC and its subcontractor, Indus, will:

- Capture data that supports regulatory applications, decisions, and incident reports.
- Provide processing and indexing support for studies and other technical

documents of archival significance and processing.

• Make every effort to adopt to changing environments in technology, Office of Management and Budget (OMB), Homeland Security, Presidential Directives, and EPA Management Directives, of which, changes could be in the areas of technology, regulations, information systems, process adaptations, coordination with other agencies, coordination with other agency contractors, Government furnished equipment and/or software, facilities and security requirements, so long as the work being tasked remains within the scope of the task activities herein.

OPP has determined that access by Rolling Bay, LLC and its subcontractor, Indus, to information on all pesticide chemicals is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under FIFRA sections 3, 4, 6, and 7 and under FFDCA sections 408 and 409.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with Rolling Bay, LLC and its subcontractor, Indus, prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the *FIFRA Information Security Manual*. In addition, Rolling Bay, LLC and its subcontractor, Indus, are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Rolling Bay, LLC and its subcontractor, Indus, until the requirements in this document have been fully satisfied. Records of information provided to Rolling Bay, LLC and its subcontractor, Indus, will be maintained by EPA Project Officers for this contract. All information supplied to Rolling Bay, LLC and its subcontractor, Indus, by EPA for use in connection with this contract will be returned to EPA when Rolling Bay, LLC and its subcontractor, Indus, have completed their work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: February 23, 2013.

Oscar Morales,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2013–05940 Filed 3–14–13; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meeting Notice

AGENCY: Equal Employment Opportunity Commission.

DATE AND TIME: Wednesday, March 20, 2013, 9:50 a.m. Eastern Time.

PLACE: Commission Meeting Room on the First Floor of the EEOC Office Building, 131 ''M'' Street NE., Washington, DC 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes, and
2. Input into the Development of a Quality Control Plan for Private Sector Investigations and Conciliations.

Note: In accordance with the Sunshine Act, the meeting will be open to public observation of the Commission's deliberations and voting. Seating is limited and it is suggested that visitors arrive 30 minutes before the meeting in order to be processed through security and escorted to the meeting room. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides information about Commission meetings on its Web site, eeoc.gov., and provides a recorded announcement a week in advance on future Commission sessions.)

Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTY) at any time for information on these meetings. The EEOC provides sign language interpretation and Communication Access Realtime Translation (CART) services at Commission meetings for the hearing impaired. Requests for other reasonable accommodations may be made by using the voice and TTY numbers listed above.

CONTACT PERSON FOR MORE INFORMATION: Bernadette B. Wilson, Acting Executive Officer on (202) 663–4077.

This Notice Issued March 13, 2013.

Dated: March 13, 2013.

Bernadette B. Wilson,

Acting Executive Officer, Executive Secretariat.

[FR Doc. 2013–06171 Filed 3–13–13; 4:15 pm]

BILLING CODE 6570–01–P

EXPORT-IMPORT BANK

[Public Notice 2013–0022]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 million: AP086115XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States (''Ex-Im Bank''), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of $100 million (as calculated in accordance with Section 3(c)(10) of the Charter). Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction.

Reference: AP086115XX.

Purpose and Use

Brief description of the purpose of the transaction:

To support the export of U.S. manufactured mining equipment and services to Mongolia.

Brief non-proprietary description of the anticipated use of the items being exported:

To develop and operate a copper and gold mine in Mongolia.

To the extent that Ex-Im Bank is reasonably aware, the item(s) being exported are not expected to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties

Principal Supplier: Komatsu America.
Obligor: Oyu Tolgoi LLC.
Guarantor(s): N/A.

Description of Items Being Exported

Heavy mining trucks, shovels, drills, and other mining equipment, plus consulting and engineering services.

Information on Decision: Information on the final decision for this transaction will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/.*

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United

States by supplying information that competitors could use to compete with companies in the United States.

DATES: Comments must be received on or before April 9, 2013 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

ADDRESSES: Comments may be submitted through Regulations.gov at *www.regulations.gov.* To submit a comment, enter EIB–2013–0022 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2013–0022 on any attached document.

Sharon A. Whitt,

Records Clearance Officer.

[FR Doc. 2013–06054 Filed 3–14–13; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 13–28 and DA 13–331]

Emergency Access Advisory Committee; Announcement of Charter Extension

AGENCY: Federal Communications Commission.

ACTION: Notice; correction.

SUMMARY: In this document, the Federal Communication Commission (FCC) is correcting a notice that appeared in the **Federal Register** of January 24, 2013. This document corrects the Emergency Access Advisory Committee (Committee or EAAC) Charter end date.

DATES: The EAAC charter is now effective until July 14, 2013.

FOR FURTHER INFORMATION CONTACT: Suzy Rosen Singleton, Consumer and Governmental Affairs Bureau, (202) 810–1503, or *Suzanne.Singleton@fcc.gov* (email); and/or Zenji Nakazawa, Public Safety and Homeland Security Bureau, (202) 418–7949, *Zenji.Nakazawa@fcc.gov* (email).

SUPPLEMENTARY INFORMATION: This document makes the following correction to the notice published January 24, 2013, at 78 FR 5178:

[Corrected]

1. On page 5178, in the third column, revise the **DATES** section to read as follows:

DATES: The EAAC charter is now effective until July 14, 2013.

Federal Communications Commission.

Karen Peltz Strauss,

Deputy Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2013–06049 Filed 3–14–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: March 11, 2013.

Federal Deposit Insurance Corporation.

Pamela Johnson,

Regulatory Editing Specialist.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10471	Frontier Bank	LaGrange	GA	3/8/2013

[FR Doc. 2013–06012 Filed 3–14–13; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: 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 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 May 14, 2013.

ADDRESSES: You may submit comments, identified by FR Y–16, 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 collection, which is being handled under this delegated authority, has received initial Board approval and is 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 Implementation of the Following Information Collection

Report title: Annual Company-Run Stress Test Projections.

Agency form number: FR Y–16.

OMB control number: 7100-to be assigned

Frequency: Annual.

Reporters: Bank holding companies (BHCs), savings and loan holding companies (SLHCs) [1] with average total consolidated assets of greater than $10 billion but less than $50 billion, and any affiliated or unaffiliated state member bank (SMB) with average total consolidated assets of more than $10 billion but less than $50 billion excluding SMB subsidiaries of covered companies.[2]

Estimated annual reporting hours: 223,200 hours, one-time implementation; 28,768 hours, ongoing.

Estimated average hours per response: 3,600 hours, one-time implementation; 464 hours, ongoing.

Number of respondents: BHCs, 44; SLHCs, 8; and SMBs, 10.

General description of report: This information collection is authorized pursuant Section 165(i)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) that specifically authorizes the Board to issue regulations implementing the annual stress testing requirements for its supervised institutions. 12 U.S.C. 5365(i)(2)(C). More generally, with respect to BHCs, Section 5(c) of the Bank Holding Company Act, 12 U.S.C. 1844(c), authorizes the Board to require a BHC and any subsidiary ''to keep the Board informed as to—(i) its financial condition, [and] systems for monitoring and controlling financial and operating risks * * *.'' Section 9(6) of the Federal Reserve Act, 12 U.S.C. 324, requires SMBs to make reports of condition to their supervising Reserve Bank in such form and containing such information as the Board may require. Finally, with respect to SLHCs, under Section 312 of the Dodd-Frank Act, 12 U.S.C. 5412, the Board succeeded to all powers and authorities of the OTS and its Director, including the authority to require SLHCs to ''file * * * such reports as may be required * * * in such form and for such periods as the [agency] may prescribe.'' 12 U.S.C. 1467a(b)(2).

Obligation to Respond is Mandatory: Section 165(i)(2)(A) provides that ''financial companies that have total consolidated assets [meeting the asset thresholds] * * * and are regulated by a primary Federal financial regulatory agency shall conduct annual stress tests.'' Section 165(i)(2)(B) provides that a company required to conduct annual stress tests ''shall submit a report to the Board of Governors and to its primary financial regulatory agency at such time, in such form, and containing such information as the primary financial regulatory agency shall require.'' 12 U.S.C. 5365(i)(2)(B).

Confidentiality: As noted under Section 165(i)(2)(C)(iv), companies conducting annual stress tests under these provisions are ''require[d] * * * to publish a summary of the results of the required stress tests.'' 12 U.S.C. 5365(i)(2)(C)(iv). Regarding the information collected by the *Board,* however, as such information will be collected as part of the Board's supervisory process, it may be accorded confidential treatment under Exemption 8 of the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)(8). This information also is the type of confidential commercial and financial information that may be withheld under Exemption 4 of FOIA, 5 U.S.C. 552(b)(4). As *required* information, it may be withheld under Exemption 4 only if public disclosure could result in substantial competitive harm to the submitting institution, under *National Parks & Conservation Ass'n* v. *Morton,* 498 F.2d 765 (DC Cir. 1974).

Abstract: In October 2012, the Federal Reserve Board approved two final rules

[1] SLHCs would not be subject to Dodd-Frank annual company-run stress testing requirements until the next calendar year after the SLHCs become subject to regulatory capital requirements.

[2] ''Covered companies'' are defined as BHCs with at least $50 billion in total assets and nonbank systemically important financial institutions, subject to annual supervisory stress tests and semi-annual company-run stress tests; ''other financial companies'' are defined as BHCs with total consolidated assets over $10 billion but less than $50 billion, SLHCs with assets over $10 billion, and state-member banks with assets over $10 billion, subject to annual company-run stress tests.

for capital stress testing requirements pursuant to the Dodd-Frank Act. The final rules implemented the Dodd-Frank Act Stress Testing (DFAST) requirements, one for ''covered companies'' and one for ''other financial companies.'' The Federal Deposit Insurance Corporation (FDIC) [3] and the Office of the Comptroller of the Currency (OCC) [4] also issued final rules for DFAST in October 2012 that are nearly identical to the requirements for ''other financial companies'' issued by the Federal Reserve Board.

This proposed information collection is required under Section 165(i)(2) of the Dodd-Frank Act and the Federal Reserve's final rule on annual company-run stress tests for organizations with total consolidated assets over $10 billion (other than covered companies), which was published in the **Federal Register** on October 12, 2012 (77 FR 62396) (12 CFR part 252, subpart H). The annual FR Y–16 would collect quantitative projections of balance sheet, income, losses, and capital across three scenarios (baseline, adverse, and severely adverse) and qualitative information on methodologies used to develop internal projections of capital across these scenarios. Each of the banking agencies is developing very similar, if not identical, reporting templates for the institutions they supervise.

The proposed annual FR Y–16 reporting form would collect data through three primary schedules: (1) Results Schedule (which includes the quantitative results of the stress tests under the baseline, adverse, and severely adverse scenarios for each quarter of the planning horizon: i.e.; aggregate losses, pre-provision net revenue, provision for loan and lease losses, net income, and pro forma capital ratios (including regulatory and any other capital ratios specified by the Board)), (2) Scenario Variables Schedule, and (3) Contact Information Schedule. The supplemental report of the results of the stress test, as required under the Board's rule, would include, the following qualitative information under the baseline, adverse, and severely adverse scenarios:

- A description of the types of risks included in the stress test;
- A summary description of the methodologies used in the stress test;
- An explanation of the most significant causes for the changes in regulatory capital ratios, and
- Any other information required by the Board.

[3] October 15, 2012 (77 FR 62417)

[4] October 9, 2012 (77 FR 61238).

It is also expected that, in order to fully evaluate the data submissions, the Federal Reserve may conduct follow up discussions with or request responses to follow up questions from respondents, as needed.

Results Schedule (Baseline, Adverse, and Severely Adverse Scenarios and Summary of Results)

For each of the three scenarios (Baseline, Adverse, and Severely Adverse), data would be reported for the (1) income statement and (2) balance sheet and capital. Therefore, two sets of worksheets for each scenario (baseline, adverse, and severely adverse) would be completed and submitted, along with the submission cover sheet and a summary of results worksheet.

Income statement data would be collected on a projected quarterly basis showing both projections of revenues and losses. These data are organized in a similar (but not identical) fashion to the mandatory Consolidated Financial Statements for Bank Holding Companies (FR Y–9C; OMB No. 7100–0128) and Schedule HI—Income Statement or the Consolidated Report of Condition and Income (FFIEC 031/041; OMB No. 7100–0036), Schedule RI—Income Statement. For example, respondents would project net charge-offs by loan type (stratified into twelve specific loan types); gains and losses on securities; pre-provision net revenue; and other key components of revenue (i.e., net interest income, provision for loan and lease losses, taxes, etc.).

Balance sheet data would be collected on a quarterly basis for projections of certain assets, liabilities, and capital. For example, respondents would project loans, allowance for loan and lease losses, deposits, and unrealized gains (losses) on securities. These data are organized in a similar (but not identical) fashion to the FR Y–9C, Schedule HC–Balance Sheet and FFIEC 031/041, Schedule RC–Balance Sheet.

Capital data would be collected on a projected quarterly basis and include components of equity and regulatory capital. Additionally, the capital data would capture projections of risk weighted assets and capital actions such as common dividends and share repurchases that affect a respondent's equity capital and projections and deductions necessary to estimate regulatory capital.

The summary of results worksheet would be comprised of 12 key data points from each scenario. Therefore, all information on the summary worksheet would be automatically populated when the scenario projections are completed.

Scenario Variables Schedule

To conduct the stress tests according to the October 12, 2012 final rule, an institution would be able to choose to project additional economic and financial variables, beyond the mandatory supervisory scenarios provided, to estimate losses or revenues for some or all of its portfolios. In such cases, the institution would be required to complete the Scenario Variables Schedule for each scenario where the institution chooses to use additional variables.

Board of Governors of the Federal Reserve System, March 12, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–05988 Filed 3–14–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 1, 2013.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Robert H. Edelman,* Milwaukee, Wisconsin as Trustee for a Voting Trust being established by Robert Gunville, Jr., to acquire voting shares of Niagara Bancorporation, Inc., and thereby indirectly acquire voting shares of The First National Bank of Niagara, both in Niagara, Wisconsin.

B. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Joseph Robert Dickson III, Citrus Heights, California, David W. Dickson, Northbrook, Illinois, and Samuel J.*

Dickson, Fairfax, Minnesota; each to acquire voting shares of Fort Ridgely National Bancorporation, Inc., and thereby indirectly acquire voting shares of First National Bank of Fairfax, both in Fairfax, Minnesota.

Board of Governors of the Federal Reserve System, March 12, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–06006 Filed 3–14–13; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Planning and Evaluation; Advisory Council on Alzheimer's Research, Care, and Services

AGENCY: Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation.

ACTION: Request for Nominations.

SUMMARY: HHS is soliciting nominations for a new, non-Federal member of the Advisory Council on Alzheimer's Research, Care, and Services to fill the position of representative of a voluntary health association as described in Public Law 111–375 (42 U.S.C. 11225). Nominations should include the nominee's contact information (current mailing address, email address, and telephone number) and current curriculum vitae or resume.

DATES: Submit nominations by email or FedEx or UPS before COB on April 12, 2013.

ADDRESSES: Nominations should be sent to Helen Lamont at *helen.lamont@hhs.gov;* Helen Lamont, Ph.D., Office of the Assistant Secretary for Planning and Evaluation, Room 424E Humphrey Building, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Helen Lamont (202) 690–7996, *helen.lamont@hhs.gov.*

SUPPLEMENTARY INFORMATION: The Advisory Council on Alzheimer's Research, Care, and Services meets quarterly to discuss programs that impact people with Alzheimer's disease and related dementias and their caregivers. The Advisory Council makes recommendations about ways to reduce the financial impact of Alzheimer's disease and related dementias and to improve the health outcomes of people with these conditions. The Advisory Council provides feedback on the National Plan to Address Alzheimer's Disease. On an annual basis, the Advisory Council shall evaluate the implementation of the recommendations through an updated national plan.

The Advisory Council consists of designees from Federal agencies including the Centers for Disease Control and Prevention, Administration on Aging, Centers for Medicare and Medicaid Services, Indian Health Service, Office of the Director of the National Institutes of Health, National Science Foundation, Department of Veterans Affairs, Food and Drug Administration, Agency for Healthcare Research and Quality, and the Surgeon General. The Advisory Council also consists of 12 non-federal members selected by the Secretary who are Alzheimer's patient advocates (2), Alzheimer's caregivers (2), health care providers (2), representatives of State health departments (2), researchers with Alzheimer's-related expertise in basic, translational, clinical, or drug development science (2), and voluntary health association representatives (2). Members serve for overlapping 4 year terms, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. Members serve as Special Government Employees. This announcement is seeking nominations for a ''representative of a voluntary health association'' who is not a Federal employee.

Donald B. Moulds,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 2013–06065 Filed 3–14–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Prospective Grant of Exclusive License: Chimeric West Nile/Dengue Viruses

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This is a notice in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i) that the Technology Transfer Office, Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS), is thinking about giving an exclusive license, in the field of use of *in vitro* diagnostics for dengue virus infection, to practice the inventions listed in the patent applications referred to below to CTK Biotech Inc., having a place of business in San Diego, California. The patent rights in these inventions have been assigned to the government of the United States of America. The patent applications(s) to be licensed are:

U.S. Provisional Application 61/049,342, filed 4/30/2008, entitled ''Engineered, Chimeric West Nile/Dengue Viruses;'' PCT Application PCT/US2009/041824, filed 4/27/2009, entitled ''Engineered, Chimeric WN/Flavivirus as Reagents to Enhance Flavivirus Diagnostics and Vaccine Development;'' U.S. National Stage Application 12/990,322, filed 10/29/2010, entitled ''Chimeric West Nile/Dengue Viruses;'' and all related continuing and foreign patents/patent applications for the technology family. CDC Technology ID No. I–020–08.

Status: Pending.

Priority Date(s): 4/30/2008.

The planned exclusive license will bring in royalties and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

Technology

HHS/CDC has developed chimeric West Nile/Dengue viruses which express the immunogenic pre-membrane (prM) and envelope (E) surface proteins of dengue virus (DEN) in the genetic background of a West Nile (WN) virus. The genetic background in the chimeric virus contains the nonstructural genes of the WN virus. Due to the robust replication ability of WN virus, whose nonstructural proteins control replication in the chimeric virus, the WN/DEN virus exhibits much more robust viral replication in cell cultures, compared to the slow growing DEN viruses. The chimeric WN/DEN virus can be used as a substitute for wild-type dengue virus in multiple applications, including diagnostics, vaccine development, vaccine testing, and biological research. These applications are highly important to public health by offering improvements in DEN diagnostics and prevention of DEN viral disease.

DATES: Only written comments and/or applications for a license which are received by HHS/CDC on or before April 15, 2013 will be considered.

ADDRESSES: Requests for a copy of these patent applications, inquiries, comments, and other materials relating to the planned license should be directed to Donald Prather, J.D., Ph.D., Technology Licensing and Marketing

Specialist, Technology Transfer Office, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, Mailstop K–79, Atlanta, GA 30341, Telephone: (770) 488–8612; Facsimile: (770) 488–8615; Email: *dmprather@cdc.gov.*

SUPPLEMENTARY INFORMATION: Applications for a license filed in response to this notice will be treated as objections to the giving of the planned license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: March 8, 2013.

Tanja Popovic,

Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2013–05990 Filed 3–14–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Notice of Hearing: Reconsideration of Disapproval of Florida State Plan Amendments (SPA) 12–015

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing to be held on April 30, 2013, at the CMS Atlanta Regional Office, Atlanta Federal Center, 3rd Floor, 61 Forsyth Street SW., Suite 3B52, Atlanta, Georgia 30303–8909, to reconsider CMS' decision to disapprove Florida SPA 12–015.

DATES: *Closing Date:* Requests to participate in the hearing as a party must be received by the presiding officer by (15 days after publication).

FOR FURTHER INFORMATION CONTACT: Benjamin Cohen, Presiding Officer, CMS, 2520 Lord Baltimore Drive, Suite L, Baltimore, Maryland 21244, Telephone: (410) 786–3169.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider CMS' decision to disapprove Florida SPA 12–015 which was submitted on September 14, 2012, and disapproved on December 13, 2012. The SPA reflects a Florida state law that would limit outpatient hospital emergency room visits to six per fiscal year for non-pregnant adults, 21 years of age and older, effective August 1, 2012.

CMS disapproved this SPA after consulting with the Secretary as required at 42 CFR 430.15(c)(2), because it appeared to impose a limitation on outpatient hospital services that was based on the individual's diagnosis, illness, or condition and because the state failed to demonstrate that the limitation is consistent with the provision of a sufficient amount, duration, and scope to reasonably achieve the purpose of the benefit. As a result, CMS concluded that the proposed coverage under the SPA would not be sufficient to meet statutory requirements set forth in section 1902(a)(10)(A) of the Social Security Act (the Act), which incorporates by reference the provisions of 1905(a)(2)(A) of the Act, and 42 CFR 440.20(a)(3)(ii), and the requirements of section 1902(a)(10)(B) of the Act. We explain in more detail below.

Under section 1902(a)(10)(A) of the Act, a state plan must provide for making medical assistance available to eligible individuals, including for most eligible individuals the medical assistance specified in section 1905(a)(2) of the Act. This provision includes in the definition of medical assistance ''outpatient hospital services.'' Section 1902(a)(17) of the Act requires the state plan to include reasonable standards for determining the extent of medical assistance, and under section 1902(a)(19) of the Act, the state plan must assure that eligibility for care and services are provided in the best interest of the recipients. As the implementing regulations at 42 CFR 440.230(b) require, a state plan must ''specify the amount, duration, and scope of each service that it provides,'' and ''each service must be sufficient in amount, duration, and scope to reasonably achieve its purpose.'' While states may place ''appropriate limits on a service based such criteria as medical necessity or utilization control procedures'' under CFR 440.230(d), 42 CFR 440.230(c) specifies that a state may not arbitrarily deny or reduce the amount, duration, or scope of required services, including physicians' services, solely because of the diagnosis, type of illness, or condition.

The proposed limitation on certain outpatient hospital services appeared to be based on the diagnosis, illness, or condition because it is limited to outpatient services furnished at a hospital emergency room, which are designed to address acute and immediate conditions. Thus, the limitation appeared to violate the requirements of 42 CFR 440.230(c). Even if that were not the case, the state has not demonstrated that the limitation is consistent with provision of a sufficient amount, duration, and scope to reasonably achieve the purpose of the benefit, which in this case would be providing reasonable coverage that meets the needs of most beneficiaries who need the outpatient hospital services, consistent with 42 CFR 440.230(b).

In disapproving SPA 12–015, CMS staff suggested to the state some alternate methods to address inappropriate utilization of hospital emergency rooms, including the development of payment rates for hospital emergency rooms that are lower if the individual does not require care for an acute and immediate condition, or the use of the alternative cost sharing authority available to states under section 1916(d) of the Act, permitting higher beneficiary cost sharing for elective non-emergency use of the emergency room. CMS offered to work with the state on these options and technical assistance.

At issue in this appeal are the following issues, which are more detailed than set out in the disapproval letter:

- Whether the exceptions to the proposed general service limitations on outpatient hospital services violate comparability requirements under section 1902(a)(10)(B) of the Act and implementing regulations at 42 CFR 440.230(c) because they provide that some individuals described in section 1902(a)(10)(A) of the Act, who have particular diagnoses or conditions, will receive benefits that individuals with other diagnoses and conditions will not receive.
- Whether the imposition of a limit specifically on emergency outpatient hospital visits would violate those comparability requirements because the limitation would be imposed only on outpatient hospital visits that are warranted to address acute and immediate conditions, which means that the limitation is based on the diagnosis or condition.
- Whether the exception to the limitation on emergency room visits for ''aliens'' would violate section 1902(a)(10)(B) of the Act because it would provide that aliens would receive a greater amount, duration and scope of emergency outpatient hospital benefits than other individuals described in section 1902(a)(10)(A) of the Act.
- Whether the state has demonstrated that the resulting outpatient hospital benefits are of a sufficient amount, duration and scope to reasonably achieve the purpose of the benefit, consistent with the requirements of sections 1902(a)(10)(A) and 1905(a)(2) of

the Act, and implementing regulations at 42 CFR 440.230(b), which CMS has interpreted to mean that the state provides reasonable coverage of the benefit that meets the needs of most beneficiaries who need the outpatient hospital services. While the state provided information on emergency room services, it did not provide information on outpatient hospital services.

Section 1116 of the Act and Federal regulations at 42 CFR part 430, establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a state plan or plan amendment. CMS is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing, and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the presiding officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as *amicus curiae* must petition the presiding officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c). If the hearing is later rescheduled, the presiding officer will notify all participants.

The notice to Florida announcing an administrative hearing to reconsider the disapproval of its SPA reads as follows:

Stuart F. Williams, Esq., General Counsel, Agency for Health Care Administration, Office of the General Counsel, 2727 Mahan Drive, Building 3, MS #3, Tallahassee, FL 323008

Dear Mr. Williams:

I am responding to your request for reconsideration of the decision to disapprove the Florida State Plan Amendment (SPA) 12–015 which was submitted on September 14, 2012, and disapproved on December 13, 2012. The SPAs reflects a Florida state law that would limit outpatient hospital emergency room visits to six per fiscal year for non-pregnant adults, 21 years of age and older, effective August 1, 2012.

I disapproved Florida SPA 12–015 because it appeared to impose a limitation on outpatient hospital services that was based on the individual's diagnosis, illness, or condition and because the state failed to demonstrate that the limitation is consistent with the provision of a sufficient amount, duration and scope to reasonably achieve the purpose of the benefit. At issue in this appeal are the following issues, which are more detailed than set out in the disapproval letter:

- Whether the exceptions to the proposed general service limitations on outpatient hospital services violate comparability requirements under section 1902(a)(10)(B) of the Act and implementing regulations at 42 CFR 440.230(c) because they provide that some individuals described in section 1902(a)(10)(A) of the Act, who have particular diagnoses or conditions, will receive benefits that individuals with other diagnoses and conditions will not receive.
- Whether the imposition of a limit specifically on emergency outpatient hospital visits would violate those comparability requirements because the limitation would be imposed only on outpatient hospital visits that are warranted to address acute and immediate conditions, which means that the limitation is based on the diagnosis or condition.
- Whether the exception to the limitation on emergency room visits for ''aliens'' would violate section 1902(a)(10)(B) of the Act because it would provide that aliens would receive a greater amount, duration and scope of emergency outpatient hospital benefits than other individuals described in section 1902(a)(10)(A) of the Act.
- Whether the state has demonstrated that the resulting outpatient hospital benefits are of a sufficient amount, duration and scope to reasonably achieve the purpose of the benefit, consistent with the requirements of sections 1902(a)(10)(A) and 1905(a)(2) of the Act, and implementing regulations at 42 CFR 440.230(b), which CMS has interpreted to mean that the state provides reasonable coverage of the benefit that meets the needs of most beneficiaries who need the outpatient hospital services. While the state provided information on emergency room services, it did not provide information on outpatient hospital services.

I am scheduling a hearing on your request for reconsideration to be held on April 30, 2013, at the CMS Atlanta Regional Office, Atlanta Federal Center, 3rd^{h} Floor, 61 Forsyth Street, SW., Suite 3B52, Atlanta, Georgia 30303–8909, to reconsider CMS' decision to disapprove Florida SPA 12–015.

If this date is not acceptable, I would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed by Federal regulations at 42 CFR Part 430.

I am designating Mr. Benjamin Cohen as the presiding officer. If these arrangements present any problems, please contact the Mr. Cohen at (410) 786–3169. In order to facilitate any communication that may be necessary between the parties prior to the hearing, please notify the presiding officer to indicate acceptability of the scheduled hearing date and provide names of the individuals who will represent the state at the hearing.

Sincerely,

Marilyn Tavenner
Acting Administrator

Section 1116 of the Social Security Act (42 U.S.C. section 1316; 42 CFR section 430.18)

(Catalog of Federal Domestic Assistance program No. 13.714, Medicaid Assistance Program.)

Dated: March 8, 2013.

Marilyn Tavenner,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2013–05978 Filed 3–14–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–64, CMS–10295, CMS–10302 and CMS–10185]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

1. *Type of Information Collection Request:* Revision of a currently approved collection. *Title of Information Collection:* Quarterly Medicaid Statement of Expenditures for the Medical Assistance Program. *Use:* Form CMS–64 has been used since January 1980 by Medicaid state agencies to report their actual program benefit costs and administrative expenses. CMS uses this information to compute the federal financial participation for the state's Medicaid program costs. Certain schedules of the CMS–64 form are used by states to report budget, expenditure and related statistical information required for implementation of the Medicaid portion of the State Children's Health Insurance Programs, Title XXI of the Social Security Act, established by the Balanced Budget Act of 1997. *Form Number:* CMS–64 (OCN: 0938–0067). *Frequency:* Quarterly. *Affected Public:* State, Local, or Tribal Governments. *Number of Respondents:* 56. *Total Annual Responses:* 224. *Total Annual Hours:* 16,464. (For policy questions regarding this collection contact Abraham John at 410–786–4518. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Revision of a currently approved collection. *Title of Information Collection:* Reporting Requirements for States Under Transitional Medical Assistance (TMA) Provisions. *Use:* The HHS Secretary is required to submit annual reports to Congress with information collected from states in accordance with section 5004(d) of the American Recovery and Reinvestment Act of 2009. Medicaid agencies in 50 states complete the reports while CMS reviews the information to determine if each state has met all of the reporting requirements specified under section 5004(d). We are revising this package to remove the requirement to report the Medicaid Federal Medical Assistance Percentage since it no longer needs to be collected from states. *Form Number:* CMS–10295 (OCN: 0938–1073). *Frequency:* Quarterly. *Affected Public:* State, Local, or Tribal Governments. *Number of Respondents:* 50. *Total Annual Responses:* 200. *Total Annual Hours:* 400. (For policy questions regarding this collection contact Rhonda Simms at 410–786–1200. For all other issues call 410–786–1326.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Collection Requirements for Compendia for Determination of Medically-accepted Indications for Off-label Uses of Drugs and Biologicals in an Anti-cancer Chemotherapeutic Regimen *Use:* Section 182(b) of the Medicare Improvement of Patients and Providers Act (MIPPA) amended Section 1861(t)(2)(B) of the Social Security Act (42 U.S.C. 1395x(t)(2)(B)) by adding at the end the following new sentence: 'On and after January 1, 2010, no compendia may be included on the list of compendia under this subparagraph unless the compendia has a publicly transparent process for evaluating therapies and for identifying potential conflicts of interest.' We believe that the implementation of this statutory provision that compendia have a ''publicly transparent process for evaluating therapies and for identifying potential conflicts of interests'' is best accomplished by amending 42 CFR 414.930 to include the MIPPA requirements and by defining the key components of publicly transparent processes for evaluating therapies and for identifying potential conflicts of interests.

All currently listed compendia will be required to comply with these provisions, as of January 1, 2010, to remain on the list of recognized compendia. In addition, any compendium that is the subject of a future request for inclusion on the list of recognized compendia will be required to comply with these provisions. No compendium can be on the list if it does not fully meet the standard described in section 1861(t)(2)(B) of the Act, as revised by section 182(b) of the MIPPA. *Form Number:* CMS–10302 (OCN: 0938–1078); *Frequency:* Reporting, Recordkeeping and Third-party disclosure; *Affected Public:* Business and other for-profits and Not-for-profit institutions; *Number of Respondents:* 845; *Total Annual Responses:* 900; *Total Annual Hours:* 5,135. (For policy questions regarding this collection contact Brijet Coachman at 410–786–7364. For all other issues call 410–786–1326.)

4. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Part D Reporting Requirements; *Use:* Title I, Part 423, § 423.514 describes CMS' regulatory authority to establish reporting requirements for Part D sponsors. It is noted that each Part D plan sponsor must have an effective procedure to develop, compile, evaluate, and report to CMS, to its enrollees, and to the general public, at the times and in the manner that CMS requires, statistics in the following areas: the cost of its operations; the patterns of utilization of its services; the availability, accessibility, and acceptability of its services; information demonstrating that the Part D plan sponsor has a fiscally sound operation; and other matters that CMS may require. CMS has identified the appropriate data needed to effectively monitor plan performance. Changes to the currently approved data collection instrument reflect new executive orders, legislation, as well as recent changes to Agency policy and guidance. *Form Number:* CMS–10185 (OCN: 0938–0992); *Frequency:* Reporting, Recordkeeping and Third-party disclosure; *Affected Public:* Business and other for-profits; *Number of Respondents:* 690; *Total Annual Responses:* 8,067; *Total Annual Hours:* 12,658. (For policy questions regarding this collection contact Latoyia Grant at 410–786–5434. For all other issues call 410–786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by May 14, 2013:

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address:

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: March 12, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–06038 Filed 3–14–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Request for State Data Needed to Determine Amount of a Tribal Family Assistance Grant.

OMB No.: 0970–0173.

Description: 42 U.S.C. 612 (Section 412 of the Social Security Act) gives federally recognized Indian Tribes the opportunity to apply to operate a Tribal Temporary Assistance for Needy Families (TANF) program. The Act specifies that the Secretary shall use State-submitted data to determine the amount of the grant to the Tribe. This form (letter) is used to request those data from the States. ACF is proposing to extend this information collection without change.

Respondents: States that have Indian Tribes applying to operate a TANF program.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Request for State Data Needed To Determine the Amount of Tribal Family Assistance Grant	15	1	42	630
Estimated Total Annual Burden Hours				630

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed 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 estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2013–05935 Filed 3–14–13; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Amendment to Information Collection Activity; Comment Request

Title: Subsidized and Transitional Employment Demonstration (STED) and Enhanced Transitional Jobs Demonstration (ETJD).

OMB No.: 0970–0413.

Description: The Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS) has launched a national evaluation called the Subsidized and Transitional Employment Demonstration (STED). At the same time, the Employment and Training Administration (ETA) within the Department of Labor (DOL) is conducting an evaluation of the Enhanced Transitional Jobs Demonstration (ETJD). ACF and ETA are collaborating on these evaluations, which will inform the Federal government about the effectiveness of subsidized and transitional employment programs in helping vulnerable populations secure unsubsidized jobs in the labor market and achieve self-sufficiency. The projects will evaluate up to twelve subsidized and transitional employment programs nationwide.

In 2011, ETA awarded grants to seven transitional jobs programs as part of the ETJD, which is testing the effect of combining transitional jobs with enhanced services to assist ex-offenders and noncustodial parents improve labor market outcomes, reduce criminal recidivism and improve family engagement.

The STED and ETJD projects have complementary goals and are focusing on related program models and target populations. Thus, ACF and ETA have agreed to collaborate on the design of data collection instruments to promote consistency across the projects. In addition, two of the seven DOL-funded ETJD programs will be evaluated as part of the STED project.

The proposed amended information collection described here will be used for sites in the STED project that target young adults (aged 18 to 25). It is being submitted by ACF on behalf of both collaborating agencies. Data for the study is collected from the following three major sources, approved by OMB October 2012:

1—Baseline Forms. These include an informed consent form, which requires signature; a contact sheet to obtain contact information for people who may help locate a respondent for follow-up surveys; and a baseline information form, to collect demographic data and information on the subject's work and education history.

2—Follow-Up Surveys. There are three follow-up surveys in each of the STED and ETJD sites (including the two sites that are also part of ETJD), approximately 6, 12, and 30 months after study entry. In addition to the surveys, each respondent will be contacted once by mail to provide updated contact information.

3—Implementation Research and Site Visits. Data on the context for the programs and their implementation is collected during two rounds of site visits, including interviews, focus

groups, observations, and case file reviews. These data will be supplemented by short questionnaires for program staff, clients, worksite supervisors, and participating employers, and a time study for program staff.

The purpose of this document is to request comment on alternate versions of the 6 and 12 month surveys for use at study sites whose population consists of young adults, aged 18 to 25 only. We plan to measure outcomes that are particularly relevant to youth, for example, outcomes related to attitudes, self confidence, and psycho-social development that may be important predictors of later performance in the labor market, education, etc.

Respondents: Respondents to the alternate versions of the 6 and 12 month surveys include young adults, aged 18–25.

Annual Burden Estimates

Note: No additional burden is requested from the already approved information collection.

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours [1]
6-month survey:				
Youth Respondents (amended version)	533	1	.5	267
Adult Respondents (already approved)	1,334	1	.5	667
12-month survey:				
Youth Respondents (amended version)	533	1	.75	400
Adult Respondents (already approved)	2,667	1	.75	2,000
Total Burden for Surveys	5,067			3,334

[1] Rounding may cause slight discrepancies between annual and total estimated burden hours.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families and the Employment and Training Administration are e soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agencies, including whether the information shall have practical utility; (b) the accuracy of the agencies's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Steven M. Hanmer,

Reports Clearance Officer.

[FR Doc. 2013–05772 Filed 3–14–13; 8:45 am]

BILLING CODE 4184–09–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Administration for Children And Families

Delegation of Authority

AGENCY: Administration for Community Living and Administration for Children and Families, HHS.

ACTION: Notice.

SUMMARY: Authorities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 are being delegated from the Assistant Secretary, Administration for Children and Families, to the Administrator, Administration for Community Living (ACL). This action is necessary to complete the transition of the Administration on Intellectual and Developmental Disabilities to the Administration for Community Living from the Administration for Children and Families, consistent with the **Federal Register** notice of reorganization as last amended, 77 FR 23250–23260, April 18, 2012.

FOR FURTHER INFORMATION CONTACT: Jason Bennett, Acting Executive Secretary, Administration for Community Living at 202–357–3408.

Under the authority vested in the Assistant Secretary for Children and Families by memorandum from the Secretary, ''Delegation of Authority for the Developmental Disabilities Programs, The Developmental Disabilities Assistance and Bill of Rights Act of 2000, (The Act), Public Law 106–402, 114 Stat. 1677 (2000),'' dated February 9, 2004, notice is hereby given that the Assistant Secretary for Children and Families has delegated to the Administrator for the Administration for Community Living the authorities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15001 et seq., as amended, as they pertain to the functions assigned to the functions of the Administrator for the Administration for Community Living.

These authorities may be redelegated.

These authorities shall be exercised under the Department's policy on regulations and the existing delegation of authority to approve and issue regulations.

This delegation shall be exercised under financial and administrative requirements applicable to all Administration for Community Living authorities.

I hereby affirm and ratify any actions taken by the Administrator for the Administration for Community Living, or his or her subordinates, which involved the exercise of the authorities delegated herein prior to the effective date of this delegation.

This delegation will concurrently supersede all existing delegations of

these authorities, except the delegation memorandum from the Secretary to the Assistant Secretary for Children and Families, dated February 9, 2004.

This delegation is effective immediately.

Dated: February 27, 2013.

George H. Sheldon,

Acting Assistant Secretary for Children and Families.

[FR Doc. 2013–06057 Filed 3–14–13; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Administration for Children and Families

Delegation of Authority

AGENCY: Administration for Community Living and Administration for Children and Families, HHS.

ACTION: Notice.

SUMMARY: The delegation of authorities for Title II, Subpart D, Parts 2 and 5 of the Help America Vote Act are being delegated from the Assistant Secretary, Administration for Children and Families, to the Administrator, Administration for Community Living (ACL). This action is necessary to complete the transition of the Administration on Intellectual and Developmental Disabilities to the Administration for Community Living from the Administration for Children and Families, consistent with the **Federal Register** notice of reorganization as last amended, 77 FR 23250–23260, April 18, 2012.

FOR FURTHER INFORMATION CONTACT: Jason Bennett, Acting Executive Secretary, Administration for Community Living at 202–357–3408.

Under the authority vested in the Assistant Secretary for Children and Families by memorandum from the Secretary, ''Delegations of Authority for the Programs Authorized Under Title II, Subtitle D, Parts 2 and 5 of the Help America Vote Act of 2002, Public Law 107–252, 116 Stat 1666, 1698–1699, 1702–1703 (2002),'' dated February 9, 2004, notice is hereby given that the Assistant Secretary for Children and Families has delegated to the Administrator for the Administration for Community Living the authorities under Title II, Subpart D, Parts 2 and 5 of the Help America Vote Act of 2002, 42 U.S.C. 15421–15425, 15461–15462, and as amended hereafter, as they pertain to the functions assigned to the functions of the Administrator for the Administration for Community Living.

These authorities may be redelegated.

These authorities shall be exercised under the Department's policy on regulations and the existing delegation of authority to approve and issue regulations.

This delegation shall be exercised under financial and administrative requirements applicable to all Administration for Community Living authorities.

I hereby affirm and ratify any actions taken by the Administrator for the Administration for Community Living, or his or her subordinates, which involved the exercise of the authorities delegated herein prior to the effective date of this delegation.

This delegation will concurrently supersede all existing delegations of these authorities, except the delegation memorandum from the Secretary to the Assistant Secretary for Children and Families, dated February 9, 2004.

This delegation is effective immediately.

Dated: February 27, 2013.

George H. Sheldon,

Acting Assistant Secretary for Children and Families.

[FR Doc. 2013–06056 Filed 3–14–13; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–1106]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Establishing and Maintaining a List of U.S. Dairy Product Manufacturers/Processors With Interest in Exporting to Chile

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by April 15, 2013.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0509. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–5733, *domini.bean@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Establishing and Maintaining a List of U.S. Dairy Product Manufacturers/Processors With Interest in Exporting to Chile (OMB Control Number 0910–0509)—Extension

As a direct result of discussions that have been adjunct to the U.S./Chile Free Trade Agreement, Chile has recognized FDA as the competent U.S. food safety authority and has accepted the U.S. regulatory system for dairy inspections. Chile has concluded that it will not require individual inspections of U.S. firms by Chile as a prerequisite for trade, but will accept firms identified by FDA as eligible to export to Chile. Therefore, in the **Federal Register** of June 22, 2005 (70 FR 36190), FDA announced the availability of a revised guidance document entitled ''Establishing and Maintaining a List of U.S. Dairy Product Manufacturers/Processors With Interest in Exporting to Chile.'' The guidance can be found at *http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/ImportsExports/ucm078936.htm.* The guidance document explains that FDA has established a list that is provided to the government of Chile and posted on *http://www.fda.gov/Food/InternationalActivities/Exports/ucm120245.htm,* which identifies U.S. dairy product manufacturers/processors that have expressed interest to FDA in exporting dairy products to Chile, are subject to FDA jurisdiction, and are not the subject of a pending judicial enforcement action (i.e., an injunction or seizure) or a pending warning letter. The term ''dairy products,'' for purposes of this list, is not intended to cover the raw agricultural commodity raw milk. Application for inclusion on the list is voluntary. However, Chile has advised that dairy products from firms not on

this list could be delayed or prevented by Chilean authorities from entering commerce in Chile. The guidance explains what information firms should submit to FDA in order to be considered for inclusion on the list and what criteria FDA intends to use to determine eligibility for placement on the list. The document also explains how FDA intends to update the list and how FDA intends to communicate any new information to Chile. Finally, the guidance notes that FDA considers the information on this list, which is provided voluntarily with the understanding that it will be posted on FDA's Web site and communicated to, and possibly further disseminated by, Chile, to be information that is not protected from disclosure under 5 U.S.C. 552(b)(4). Under the guidance, FDA recommends that U.S. firms that want to be placed on the list send the following information to FDA: Name and address of the firm and the manufacturing plant; name, telephone number, and email address (if available) of the contact person; a list of products presently shipped and expected to be shipped in the next 3 years; identities of Agencies that inspect the plant and the date of last inspection; plant number and copy of last inspection notice; and, if other than an FDA inspection, copy of last inspection report. FDA requests that this information be updated every 2 years.

In the **Federal Register** of November 15, 2012 (77 FR 68128), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
New written requests to be placed on the list	25	1	25	1.5	38
Biannual update	88	1	88	1.0	88
Occasional updates	25	1	25	0.5	13
Total					139

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimate of the number of firms that will submit new written requests to be placed on the list, biannual updates and occasional updates is based on the FDA's experience maintaining the list over the past 7 years. The estimate of the number of hours that it will take a firm to gather the information needed to be placed on the list or update its information is based on FDA's experience with firms submitting similar requests. FDA believes that the information to be submitted will be readily available to the firms.

On average, over the last 3 years, the list contained approximately 176 firms. FDA estimates that, each year, approximately 25 new firms will apply to be added to the list. In any given year, some firms choose not to resubmit their information. These firms are removed from the list quarterly. This occurrence results in the number of firms to remain at approximately 176. We estimate that a firm will require 1.5 hours to read the guidance, gather the information needed, and to prepare a communication to FDA that contains the information and requests that the firm be placed on the list for a total of 37.5 hours, rounded to 38. Under the guidance, every 2 years each producer on the list must provide updated information in order to remain on the list. FDA estimates that each year approximately half of the firms on the list, 88 firms ($176 \times 0.5 = 88$), will resubmit the information to remain on the list. We estimate that a firm already on the list will require 1.0 hours to biannually update and resubmit the information to FDA, including time reviewing the information and corresponding with FDA, for a total of 88 hours. In addition, FDA expects that, each year, approximately 25 firms will need to submit an occasional update and each firm will require 0.5 hours to prepare a communication to FDA reporting the change, for a total of 12.5 hours, rounded to 13.

Dated: March 12, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–06017 Filed 3–14–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–1108]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Interstate Shellfish Dealer's Certificate

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by April 15, 2013.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0021. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400, Rockville, MD 20850, 301–796–5733, *domini.bean@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Interstate Shellfish Dealer's Certificate (OMB Control Number 0910–0021)—Extension

Under section 243 of the Public Health Service Act (42 U.S.C. 243), FDA is required to cooperate with and aid State and local authorities in the enforcement of their health regulations

and is authorized to assist States in the prevention and suppression of communicable diseases. Under this authority, FDA participates with State regulatory agencies, some foreign nations, and the molluscan shellfish industry in the National Shellfish Sanitation Program (NSSP).

NSSP is a voluntary, cooperative program to promote the safety of molluscan shellfish by providing for the classification and patrol of shellfish growing waters and for the inspection and certification of shellfish processors. Each participating State and foreign nation monitors its molluscan shellfish processors and issues certificates for those that meet the State or foreign shellfish control authority's criteria. Each participating State and nation provides a certificate of its certified shellfish processors to FDA on Form FDA 3038, ''Interstate Shellfish Dealer's Certificate.'' FDA uses this information to publish the ''Interstate Certified Shellfish Shippers List,'' a monthly comprehensive listing of all molluscan shellfish processors certified under the cooperative program. If FDA did not collect the information necessary to compile this list, participating States would not be able to identify and keep out shellfish processed by uncertified processors in other States and foreign nations. Consequently, NSSP would not be able to control the distribution of uncertified and possibly unsafe shellfish in interstate commerce, and its effectiveness would be nullified.

In the **Federal Register** of November 15, 2012 (77 FR 68129), FDA published a 60-day notice requesting public comment on the proposed extension of this collection of information. FDA received one letter in response to the notice, containing multiple comments on the testing methods used by certified shellfish processors in the NSSP. These comments were outside the scope of the four collection-of-information topics on which the notice requested comments, and will not be discussed in this document. FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	FDA Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Submission of Interstate Shellfish Dealer's Certificate	3038	40	57	2,280	0.10	228

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA estimates that 40 respondents will submit 2,280 Interstate Shellfish Dealer's Certificates annually, for a total burden of 228 hours (2,280 submissions × 0.10 hours = 228 hours). This estimate is based on FDA's experience and the number of certificates received in the past 3 years.

Dated: March 11, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–05970 Filed 3–14–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Application of Advances in Nucleic Acid and Protein Based Detection Methods to Multiplex Detection of Transfusion-Transmissible Agents and Blood Cell Antigens in Blood Donations; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA) is announcing a public workshop entitled: ''Application of Advances in Nucleic Acid and Protein Based Detection Methods to Multiplex Detection of Transfusion-Transmissible Agents and Blood Cell Antigens in Blood Donations.'' The purpose of this public workshop is to discuss research and development of multiplex assays and the use of these tests in blood donor screening and blood cell antigen typing. The public workshop has been planned in partnership with the AABB (formerly known as the American Association of Blood Banks), Advanced Medical Technology Association (AdvaMed), America's Blood Centers, Department of Defense, Department of Health and Human Services Office of the Assistant Secretary for Health, and the National Heart, Lung and Blood Institute, National Institutes of Health. The public workshop will include presentations and panel discussions by experts from academic institutions, blood establishments, industry, and government agencies.

Date and Time: The public workshop will be held on April 10, 2013, from 8 a.m. to 5:30 p.m., and April 11, 2013, from 8 a.m. to 5 p.m.

Location: The public workshop will be held in the Main Auditorium, Natcher Conference Center, National Institutes of Health, Bldg. 45, Bethesda, MD 20892.

Contact Person: Jennifer Scharpf, Center for Biologics Evaluation and Research (HFM–300), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448, 301–827–6128, FAX: 301–827–2843, email: *CBEROBRRWorkshops@fda.hhs.gov.*

Registration: Mail, fax, or email your registration information (including name, title, firm name, address, telephone and fax numbers, and email address) to Jennifer Scharpf (see *Contact Person*) by April 1, 2013. There is no registration fee for the public workshop. Early registration is recommended because seating is limited. Registration on the day of the public workshop will be provided on a space available basis beginning at 7:30 a.m. If you need special accommodations due to a disability, please contact Jennifer Scharpf (see *Contact Person*) at least 7 days in advance.

SUPPLEMENTARY INFORMATION: The objectives of the workshop are to review the status of multiplex platforms and the technological advances in gene based and protein based pathogen and blood cell antigen detection methods and to discuss the scientific pathways to support the development of multiplex assays to screen blood donors for blood-borne pathogens and blood cell antigen typing.

The first day of this workshop will include presentations and panel discussions on the following topics: (1) Blood safety and infectious agents, (2) advances in blood-borne pathogen detection, and (3) molecular DNA-based typing of blood cell antigens.

The second day of the workshop will include presentations and discussion on the following topics: (1) Highly multiplexed technologies in blood donor screening; (2) bioinformatics, data

analysis, and data management issues; (3) perspectives in developing multiplex devices for donor screening; and (4) workshop summary and conclusions.

Transcripts: Please be advised that as soon as possible after a transcript of the public workshop is available, it will be accessible at: *http://www.fda.gov/BiologicsBloodVaccines/NewsEvents/WorkshopsMeetingsConferences/TranscriptsMinutes/default.htm*. Transcripts of the public workshop may also be requested in writing from the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857.

Dated: March 11, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–05987 Filed 3–14–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Secretary's Advisory Committee on Heritable Disorders in Newborns and Children; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, codified at 5 U.S.C. App. 2), notice is hereby given of the following meeting:

Name: Secretary's Advisory Committee on Heritable Disorders in Newborns and Children (SACHDNC).

Date and Time: April 19, 2013, 9:30 a.m. to 3:00 p.m.

Place: Virtual via Webinar.

Status: The meeting is open to the public. Pre-registration is required. For more information on registration and webinar details, please visit the SACHDNC Web site: *http://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders.*

Purpose: The Secretary's Advisory Committee on Heritable Disorders in Newborns and Children (SACHDNC), as authorized by Public Law 106–310, which added section 1111 of the Public Health Service Act, codified at 42 U.S.C. 300b–10, was established by Congress to advise the Secretary of the Department of Health and Human Services regarding the development of newborn screening activities, technologies, policies, guidelines, and programs for effectively reducing morbidity and mortality in newborns and children having, or at risk for, heritable disorders. The SACHDNC's recommendations regarding additional conditions/inherited disorders for screening that have been adopted by the Secretary are included in the Recommended Uniform Screening Panel (RUSP) that constitutes part of the comprehensive guidelines supported by the Health Resources and Services Administration. Pursuant to section 2713 of the Public Health Service Act, codified at 42 U.S.C. 300gg–13, non-grandfathered health plans are required to cover screenings included in the comprehensive guidelines without charging a co-payment, co-insurance, or deductible for plan years (i.e., policy years) beginning on or after the date that is one year from the Secretary's adoption of the condition for screening. The SACHDNC also provides advice and recommendations concerning grants and projects authorized under section 1109 of the Public Health Service Act (42 U.S.C. 300b–8).

Agenda: The meeting will include: (1) A policy paper report on the impact of recommendations related to sickle cell trait testing; (2) a presentation on the Affordable Care Act and the impact on individuals with heritable disorders; (3) a presentation by the Agency for Healthcare Research and Quality regarding the processes behind the U.S. Preventive Services Task Force review process; and (4) project reports on screening for Tyrosinemia Type I and Point of Care Screening and Lessons Learned.

Proposed agenda items are subject to change as priorities dictate. The agenda, webinar information, Committee Roster, Charter, presentations, and meeting materials are located on the Advisory Committee's Web site at *http://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders.*

Public Comments: Members of the public can submit written comments and/or register to present oral comments. All comments, whether oral or written, are part of the official Committee record and will be available for public inspection and copying. Individuals who wish to make public comments are required to register for the webinar and email Lisa Vasquez (*lvasquez@hrsa.gov*) by April 10, 2013. The public comment period is scheduled for the morning of April 19, 2013. Written comments should be emailed to Lisa Vasquez (*lvasquez@hrsa.gov*) by April 10, 2013.

Written comments should identify the individual's name, address, email, telephone number, professional or business affiliation, type of expertise (i.e., parent, researcher, clinician, public health, etc.) and the topic/subject matter of comment. To ensure that all individuals who have registered to make oral comments can be accommodated, the allocated time may be limited. Individuals who are associated with groups or have similar interests may be requested to combine their comments and present them through a single representative. No audiovisual presentations are permitted.

Contact Person: Anyone interested in obtaining other relevant information should contact the designated federal officer (DFO), Debi Sarkar, Maternal and Child Health Bureau, Health Resources and Services Administration, Room 18A–19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; telephone: 301–443–1080; email: *dsarkar@hrsa.gov.*

More information on the Advisory Committee is available at *http://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders.*

Dated: March 11, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–06042 Filed 3–14–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions and Delegations of Authority

This notice amends Part R of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA) (60 FR 56605, as amended November 6, 1995; as last amended at 78 FR 14311–14312, dated March 5, 2013).

This notice reflects organizational changes to the Health Resources and Services Administration. This notice updates the functional statement for the Bureau of Primary Health Care (RC). Specifically, this notice: (1) Establishes the Office of National Assistance and Special Populations (RCE); (2) abolishes the Office of Training and Technical Assistance Coordination (RCS) and the Office of Special Population Health (RCG); and (3) updates the functional statement for the Office of the Associate Administrator (RC), the Office of Administrative Management (RCM), the Office of Policy and Program Development (RCH), and the Office of Quality and Data (RCK).

Chapter RC—Bureau of Primary Health Care

Section RC–10, Organization

Delete in its entirety and replace with the following:

The Bureau of Primary Health Care (RC) is headed by the Associate Administrator, who reports directly to the Administrator, Health Resources and Services Administration. The Bureau of Primary Health Care includes the following components:

(1) Office of the Associate Administrator (RC);

(2) Office of Administrative Management (RCM);

(3) Office of Policy and Program Development (RCH);

(4) Office of Quality and Data (RCK);

(5) Office of National Assistance and Special Populations (RCE);

(6) Northeast Division (RCU);

(7) Central Southeast Division (RCV);

(8) North Central Division (RCT); and

(9) Southwest Division (RCW).

Section RC–20, Functions

(1) Delete the functional statement for the Office of Training and Technical Assistance Coordination (RCS) and the Office of Special Population Health (RCG); (2) update the functional statement for the Office of the Associate Administrator (RC), the Office of Administrative Management (RCM), the Office of Policy and Program Development (RCH), and the Office of Quality and Data (RCK); and (3) establish the functional statement for the Office of National Assistance and Special Populations (RCE).

Office of the Associate Administrator (RC)

Provides overall leadership, direction, coordination, and planning in support of BPHC programs. Specifically: (1) Establishes program goals, objectives, and priorities, and provides oversight to their execution; (2) plans, directs, coordinates, supports, and evaluates BPHC-wide management activities; and (3) maintains effective relationships within HRSA and with other Department of Health and Human Services (HHS) organizations, other federal agencies, state and local governments, and other public and private organizations concerned with primary health care, eliminating health disparities, and improving the health status of the nation's underserved and vulnerable populations.

Office of Administrative Management (RCM)

Plans, directs, and coordinates BPHC-wide administrative management activities. Specifically: (1) Serves as BPHC's principal source for administrative and management advice, analysis, and assistance; (2) provides guidance and coordinates personnel activities for BPHC; (3) provides organization and management analysis, coordinating the allocation of personnel resources, developing policies and procedures for internal operations, interpreting and implementing BPHC management policies, procedures and systems; (4) develops and coordinates BPHC program and administrative delegations of authority activities; (5) provides guidance to BPHC on financial management activities; (6) provides BPHC-wide support services such as continuity of operations and emergency planning, contracts, procurement, supply management, equipment utilization, printing, property management, space management, records management, and management reports; (7) serves as BPHC Executive Secretariat; (8) serves as BPHC's focal point for the design and implementation of management information systems to assess and improve program performance and internal operations; and (9) coordinates BPHC administrative management activities with other components within HRSA and HHS, and with other federal agencies, state and local governments, and other public and private organizations, as appropriate.

Office of Policy and Program Development (RCH)

Serves as the organizational focus for the development of BPHC programs and policies. Specifically: (1) Leads and monitors the development and expansion of primary care programs, including health centers and other health systems; (2) identifies and provides assistance to communities, community-based organizations, and BPHC programs related to the development and expansion of primary care programs; (3) manages BPHC capital and loan guarantee programs; (4) leads and coordinates the analysis, development, and drafting of policy impacting BPHC programs; (5) consults and coordinates with other components within HRSA and HHS, and with other federal agencies, state and local governments, and other public and private organizations on issues affecting BPHC programs and policies; (6) performs environmental scanning on issues that affect BPHC programs; and (7) monitors BPHC activities in relation to the HRSA and HHS Strategic Plan.

Office of Quality and Data (RCK)

Serves as the organizational focus for BPHC program performance, clinical and operational quality improvement, data reporting, and program evaluation. Specifically: (1) Provides leadership for implementing BPHC clinical quality and performance improvement strategies/initiatives, including health information technology; (2) oversees BPHC Federal Tort Claims Act (FTCA) medical malpractice liability programs, reviewing clinical, quality improvement, risk management, and patient safety activities to improve policies and programs for primary health care services, including clinical information systems; (3) leads and coordinates BPHC accreditation and national quality recognition programs; (4) oversees BPHC health center network programs related to health information technology and quality improvement; (5) coordinates BPHC clinical, quality and performance reporting activities within HRSA and HHS, and with other federal agencies, state and local governments, and other public and private organizations concerned with primary health care, eliminating health disparities, and improving the health status of the nation's underserved and vulnerable populations; (6) identifies and provides assistance to BPHC programs around clinical, quality and performance reporting activities; and (7) serves as BPHC's focal point for the design and implementation of program evaluations.

Office of National Assistance and Special Populations (RCE)

Serves as the organizational focus for BPHC technical assistance activities, including activities relating to the delivery of health services to special populations. Specifically: (1) Leads national technical assistance activities for BPHC; (2) advises BPHC about the needs of special populations; (3) identifies key technical assistance needs of BPHC programs, including programs related to the development, delivery and expansion of services targeted to special populations, and develops resources to address them; (4) manages BPHC technical assistance programs and contracts; (5) serves as BPHC's focal point for communication and program information resources; (6) coordinates and supports emergency preparedness and response for BPHC programs; (7) provides support to the National Advisory Council on Migrant Health; and (8) coordinates BPHC technical assistance activities, including activities targeted to special populations, within HRSA and HHS, and with other federal agencies, state and local governments, and other public and private organizations concerned with primary health care, eliminating health disparities, and improving the health status of the nation's underserved and vulnerable populations.

Section RC–30, Delegations of Authority

All delegations of authority and re-delegations of authority made to HRSA officials that were in effect immediately prior to this reorganization, and that are consistent with this reorganization, shall continue in effect pending further re-delegation.

This reorganization is effective upon date of signature.

Dated: March 10, 2013.

Mary K. Wakefield,

Administrator.

[FR Doc. 2013–06043 Filed 3–14–13; 8:45 am]

BILLING CODE 4165–15–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 Clinical Trial Implementation.

Date: April 8, 2013.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817.

Contact Person: Gregory P. Jarosik, Ph.D., Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, 301–496–0695, *gjarosik@niaid.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: March 11, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05968 Filed 3–14–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Multidisciplinary K12 Urological Research Career Development Program.

Date: April 4, 2013.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Carol J. Goter-Robinson, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 11, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05969 Filed 3–14–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Opioid Drugs in Maintenance and Detoxification Treatment of Opioid Dependence—42 CFR Part 8 and Opioid Treatment Programs (OTPs) (OMB No. 0930–0206)—Revision

42 CFR part 8 establishes a certification program managed by SAMHSA's Center for Substance Abuse Treatment (CSAT). The regulation requires that Opioid Treatment Programs (OTPs) be certified. ''Certification'' is the process by which SAMHSA determines that an OTP is qualified to provide opioid treatment under the Federal opioid treatment standards established by the Secretary of Health and Human Services. To become certified, an OTP must be accredited by a SAMHSA-approved accreditation body. The regulation also provides standards for such services as individualized treatment planning, increased medical supervision, and assessment of patient outcomes. This submission seeks continued approval of the information collection requirements in the regulation and of the forms used in implementing the regulation.

SAMHSA currently has approval for the Application for Certification to Use Opioid Drugs in a Treatment Program Under 42 CFR 8.11 (Form SMA–162); the Application for Approval as Accreditation Body Under 42 CFR 8.3(b) (Form SMA–163); and the Exception Request and Record of Justification Under 42 CFR 8.12 (Form SMA–168), which may be used on a voluntary basis by physicians when there is a patient care situation in which the physician must make a treatment decision that differs from the treatment regimen required by the regulation. Form SMA–168 is a simplified, standardized form to facilitate the documentation, request, and approval process for exceptions.

SAMHSA believes that the recordkeeping requirements in the regulation are customary and usual practices within the medical and rehabilitative communities and has not calculated a response burden for them. The recordkeeping requirements set forth in 42 CFR 8.4, 8.11 and 8.12 include maintenance of the following: 5-year retention by accreditation bodies of certain records pertaining to accreditation; documentation by an OTP of the following: A patient's medical examination when admitted to treatment, A patient's history, a treatment plan, any prenatal support provided the patient, justification of unusually large initial doses, changes in a patient's dosage schedule, justification of unusually large daily doses, the rationale for decreasing a patient's clinic

attendance, and documentation of physiologic dependence.

The rule also includes requirements that OTPs and accreditation organizations disclose information. For example, 42 CFR 8.12(e)(1) requires that a physician explain the facts concerning the use of opioid drug treatment to each patient. This type of disclosure is considered to be consistent with the common medical practice and is not considered an additional burden. Further, the rule requires, under Sec. 8.4(i)(1) that accreditation organizations shall make public their fee structure; this type of disclosure is standard business practice and is not considered a burden.

There are no changes being made to the forms. The reason for the reduction in burden hours is due to more respondents submitting information through an online function. The forms are available online with a unique feature for both the SMA–162 and SMA–168 that pre-populates certain information within the form. This in turn reduces the program's time spent filling out the forms as well as the staff time spent on processing it. Also, a final rule effective January 7, 2013, (77 FR 72752, **Federal Register** December 6, 2012) eliminated dispensing restrictions for buprenorphine products used in OTPs. As a result there OTPs will complete and submit fewer SMA–168 forms, therefore reducing burden hours.

The tables that follow summarize the annual reporting burden associated with the regulation, including burden associated with the forms.

ESTIMATED ANNUAL REPORTING REQUIREMENT BURDEN FOR ACCREDITATION BODIES

42 CFR citation	Purpose	Number of respondents	Responses/ respondent	Total responses	Hours/ response	Total hours
8.3(b)(1–11)	Initial approval (SMA–163)	1	1	1	6.0	6
8.3(c)	Renewal of approval (SMA–163)	2	1	2	1.0	2
8.3(e)	Relinquishment notification	1	1	1	0.5	0.5
8.3(f)(2)	Non-renewal notification to accredited OTPs	1	90	90	0.1	9
8.4(b)(1)(ii)	Notification to SAMHSA for seriously noncompliant OTPs	2	2	4	1.0	4
8.4(b)(1)(iii)	Notification to OTP for serious noncompliance	2	10	20	1.0	20
8.4(d)(1)	General documents and information to SAMHSA upon request.	6	5	30	0.5	15
8.4(d)(2)	Accreditation survey to SAMHSA upon request	6	75	450	0.02	9
8.4(d)(3)	List of surveys, surveyors to SAMHSA upon request	6	6	36	0.2	7.2
8.4(d)(4)	Report of less than full accreditation to SAMHSA	6	5	30	0.5	15
8.4(d)(5)	Summaries of Inspections	6	50	300	0.5	150
8.4(e)	Notifications of Complaints	12	6	72	0.5	36
8.6(a)(2) and (b)(3)	Revocation notification to Accredited OTPs	1	185	185	0.3	55.5
8.6(b)	Submission of 90-day corrective plan to SAMHSA	1	1	1	10	10.0
8.6(b)(1)	Notification to accredited OTPs of Probationary Status	1	185	185	0.3	55.0
Sub Total		54		1,407		394.20

ESTIMATED ANNUAL REPORTING REQUIREMENT BURDEN FOR OPIOID TREATMENT PROGRAMS

42 CFR citation	Purpose	Number of respondents	Responses/ respondent	Total responses	Hours/ response	Total hours
8.11(b)	Renewal of approval (SMA–162)	386	1	386	0.15	57.9
8.11(b)	Relocation of Program (SMA–162)	35	1	35	1.17	40.95
8.11(e)(1)	Application for provisional certification	42	1	42	1	42.00
8.11(e)(2)	Application for extension of provisional certification.	30	1	30	0.25	7.50
8.11(f)(5)	Notification of sponsor or medical director change (SMA–162).	60	1	60	0.1	6.00
8.11(g)(2)	Documentation to SAMHSA for interim maintenance.	1	1	1	1	1.00
8.11(h)	Request to SAMHSA for Exemption from 8.11 and 8.12 (including SMA–168).	1,200	20	24,000	0.07	1680
8.11(i)(1)	Notification to SAMHSA Before Establishing Medication Units (SMA–162).	10	1	10	0.25	2.5
8.12(j)(2)	Notification to State Health Officer When Patient Begins Interim Maintenance.	1	20	20	0.33	6.6
8.24	Contents of Appellant Request for Review of Suspension.	2	1	2	0.25	.50
8.25(a)	Informal Review Request	2	1	2	1.00	2.00
8.26(a)	Appellant's Review File and Written Statement.	2	1	2	5.00	10.00
8.28(a)	Appellant's Request for Expedited Review.	2	1	2	1.00	2.00
8.28(c)	Appellant Review File and Written Statement.	2	1	2	5.00	10.00
Sub Total		1,775		24,594		1868.95
Total		1,829		26,001		2,263.15

Written comments and recommendations concerning the proposed information collection should be sent by April 15, 2013 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2013–06029 Filed 3–14–13; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Evaluation of Emergency Department Crisis Center Follow-Up—New

The Substance Abuse and Mental Health Services Administration's (SAMHSA), Center for Mental Health Services (CMHS) will conduct an evaluation to assess the impact of crisis center follow-up with patients admitted to emergency departments following a suicide attempt.

The overarching purpose of the proposed Evaluation of Emergency Department Crisis Center Follow-up—New is to examine the impact of crisis center follow-up with patients admitted to emergency departments following a suicide attempt on subsequent emergency department readmissions. In total this evaluation effort includes two data collection activities.

Clearance is being requested to abstract patient hospital data and companion crisis center data to examine the impact of crisis center follow-up on readmissions to the emergency department for suicidal behavior. The data collected through this project will ultimately help SAMHSA to understand and direct crisis center follow-up lifesaving initiatives. The data collection activities are described below.

Two funded crisis centers, working in collaboration with two hospital emergency departments, will provide follow-up services to patients seen in the emergency department following a suicide attempt. Patient data will be collected for patients admitted for a suicide attempt in the two years prior to collaboration between the emergency department and crisis center and for patients admitted for a suicide attempt for the 2-year period after collaboration.

(1) The Hospital Data Abstraction Form will be utilized to collect systematic patient data for patients seen in one of the two participating hospital emergency departments. Information to be abstracted from patient data include: Demographic data, historical data, and subsequent suicidal behavioral and admission data. Data will be de-identified. Hospital staff will review patient data for qualifying (i.e., admission to the emergency department for suicide attempt) records. Records to be reviewed will include emergency department admissions for the two years prior to crisis center and hospital emergency department collaboration and for two years following collaboration. It is expected that a total of 2,000 records will be abstracted by hospital staff and provided to the evaluation team.

(2) The Crisis Center Data Abstraction Form will be utilized to collect systematic crisis center data for patient records for whom hospital data were collected. Data will be de-identified and will only contain a patient identification number to match to the patient ID provided through hospital records.

The estimated response burden to collect this information is as follows annualized over the requested 3-year clearance period is presented below:

TOTAL AND ANNUALIZED AVERAGES: RESPONDENTS, RESPONSES AND HOURS

Instrument	Number of respondents	Responses per respondent *	Total number of responses	Burden per response	Annual burden *
Hospital Data Abstraction Form	2	334	667	.04	27
Crisis Center Data Abstraction Form	2	167	333	.04	13
Total	4				40

* Rounded to the nearest whole number.

Written comments and recommendations concerning the proposed information collection should be sent by April 15, 2013 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov*. Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2013–06004 Filed 3–14–13; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2012–0033; OMB No. 1660–0082]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

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 April 15, 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:

Collection of Information

Title: Application for Community Disaster Loan Cancellation.

Type of information collection: Revision of a currently approved information Collection.

Form Titles and Numbers: FEMA Form 009–0–15.

Abstract: Local governments may submit an Application for Loan Cancellation through the Governor's Authorized Representative to the FEMA Regional Administrator prior to the expiration date of the loan. FEMA has the authority to cancel repayment of all or part of a Community Disaster Loan or a Special Community Disaster Loan to the extent that a determination is made that revenues of the local government during the three fiscal years following the disaster are insufficient to meet the operating budget of that local government because of disaster related revenue losses and additional non-reimbursable disaster related municipal operating expenses. Operating budget means actual revenues and expenditures of the local government as published in the official financial statements of the local government

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 27.

Estimated Total Annual Burden Hours: 27.

Estimated Cost: There are no recordkeeping, capital, start-up or maintenance costs associated with this information collection

Dated: March 5, 2013.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2013–06040 Filed 3–14–13; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0016]

Agency Information Collection Activities: Application for Advance Permission To Return to Unrelinquished Domicile, Form I–191; Extension, Without Change, of a Currently Approved Collection

ACTION: 60-Day notice.

* * * * *

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information or new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until May 14, 2013.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0016 in the subject box, the agency name and Docket ID USCIS–2006–0070. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.Regulations.gov* under e-Docket ID number USCIS–2006–0070;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION: *Comments:* Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies 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 or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Advance Permission to Return to Unrelinquished Domicile.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–191; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–191 is necessary for USCIS to determine whether the applicant is eligible for discretionary relief under section 212(c) of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 300 respondents with an estimated burden per response of 1 hour per response (to include 15 minutes for gathering required documentation and information, 10 minutes for reading the instructions, and 35 minutes for completing and submitting the application).

(6) *An estimate of the total public burden (in hours) associated with the collection:* 300 annual burden hours.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov*. We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: March 12, 2013.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2013–06078 Filed 3–14–13; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Application To Establish a Centralized Examination Station

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: 1651–0061.

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: Application to Establish a Centralized Examination Station. 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** (78 FR 2416) on January 11, 2013, 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 April 15, 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: Application to Establish a Centralized Examination Station.

OMB Number: 1651–0061.

Form Number: None.

Abstract: A Customs and Border Protection (CBP) port director decides when his or her port needs one or more Centralized Examination Stations (CES). If it is decided that a CES is needed, the port director solicits applications to operate a CES. The information contained in the application will be used to determine the suitability of the applicant's facility; the fairness of fee structure; and knowledge of cargo handling operations and of CBP procedures. The names of all corporate officers and all employees who will come in contact with uncleared cargo will also be provided so that CBP may perform background investigations. The CES application is provided for by 19 CFR 118.11 and is authorized by 19 USC 1499, Tariff Act of 1930.

Current Actions: This submission is being made to extend the expiration date with no changes to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 50.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 100.

Dated: March 11, 2013.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2013–06079 Filed 3–14–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Declaration for Free Entry of Unaccompanied Articles

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: 1651–0014.

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: Declaration for Free Entry of Unaccompanied Articles (Form 3299). 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 76063) on December 26, 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 April 15, 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: Declaration for Free Entry of Unaccompanied Articles.

OMB Number: 1651–0014.

Form Number: Form 3299.

Abstract: 19 U.S.C. 1498 provides that when personal and household effects enter the United States but do not accompany the owner or importer on his/her arrival in the country, a declaration is made on CBP Form 3299, Declaration for Free Entry of Unaccompanied Articles. The information on this form is needed to support a claim for duty-free entry for these effects. This form is provided for by 19 CFR 148.6, 148.52, 148.53 and 148.77. CBP Form 3299 is accessible at: *http://forms.cbp.gov/pdf/CBP_Form_3299.pdf.*

Current Actions: This submission is being made to extend the expiration date with no changes to the burden hours or to CBP Form 3299.

Type of Review: Extension (without change).

Affected Public: Businesses and Individuals.

Estimated Number of Respondents: 150,000.

Estimated Number of Total Annual Responses: 150,000.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 112,500.

Dated: March 11, 2013.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2013–06080 Filed 3–14–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5681–N–11]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or

(3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Air Force:* Mr. Robert More, 2261 Hughes Avenue, Ste. 156, Lackland AFB, TX, 78236, (210)–395–9512; *Energy:* Mr. Mark C. Price, Department of Energy, Office of Engineering & Construction Management, OECM MA–50, 4B122, 1000 Independence Avenue SW., Washington, DC 20585, (202)–586–5422; *GSA:* Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501–0084; *NASA:* Mr. Frank T. Bellinger, Facilities Engineering Division, National Aeronautics & Space Administration, Code JX, Washington, DC 20546, (202)–358–1124; *Navy:* Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Avenue SE., Ste. 1000, Washington, DC 20374, (202)–685–9426; VA: Ms. Jessica L. Kaplan, Real Property Service, Department of Veterans Affairs, 810 Vermont Avenue NW., (003C1E), Washington, DC 20420, (202)–461–8234; (These are not toll-free numbers).

Dated: March 7, 2013.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

Title V, Federal Surplus Property Program Federal Register Report for 03/15/2013

Suitable/Available Properties

Buildings

New Jersey

Former SSA Trust Fund Bldg.
396 Bloomfield Ave.
Montclair NJ 07042
Landholding Agency: GSA
Property Number: 54201310004
Status: Surplus
GSA Number: 1–G–NJ–0676
Comments: RE-PUBLISHED: status updated to 'Surplus'; 7,183 sf.; office; vacant since March 2012

New York

JJP Bronx VA Medical Ctr.
130 West Kingsbridge Rd.
Bronx NY 10468
Landholding Agency: VA
Property Number: 97201310002
Status: Unutilized
Comments: 700–1,000 sf.; residential; renovations needed; contact VA for more info.

Land

Georgia

Former GNK Outer Marker
Hunt Rd.
LaGrange GA 31909
Landholding Agency: GSA
Property Number: 54201310008
Status: Excess
GSA Number: 4–U–GU–888A
Comments: 0.918 acres

South Dakota

Gettysburg Radio Tower Site
Potter County
Gettysburg SD 57442
Landholding Agency: GSA
Property Number: 54201310007
Status: Surplus
GSA Number: 7–D–SD–0537
Directions: one antenna tower & 144 sf. bldg. located on property
Comments: 2.21 acres; 144 sf. bldg. is used for storage

Unsuitable Properties

Buildings

California

Buildings PM353 & PM2–825
311 Main Rd.
Point Mugu CA 93043
Landholding Agency: Navy
Property Number: 77201310002
Status: Underutilized
Comments: w/in secured area; public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

Buildings PM789 & PM 4–30
311 Main Rd.
Point Mugu CA 93043
Landholding Agency: Navy
Property Number: 77201310003
Status: Unutilized
Comments: w/in secured area; public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

Missouri

Building 115
10800 Lambert Int'l Blvd.
St. Louis MO 63044
Landholding Agency: Air Force
Property Number: 18201310004
Status: Unutilized
Comments: restricted military installation; public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

New Mexico

Facility 213
White Sands Test Fac.
Las Cruces NM 88012
Landholding Agency: NASA
Property Number: 71201310001
Status: Unutilized
Comments: located w/in secured area; public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

Tennessee

Building 9744
Y–12 Nat'l Security Complex
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41201310001
Status: Unutilized
Comments: located w/in restricted area; public access denied & no alternative method to gain access w/out compromising nat'l security

Reasons: Secured Area

Texas

2.747 Acres
Joint Base San Antonio
Ft. Sam Houston TX
Landholding Agency: Air Force
Property Number: 18201310031
Status: Unutilized
Comments: w/in secured area; public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

[FR Doc. 2013–05672 Filed 3–14–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

[NPS–WASO–CONC–12542; PPMVSCS1Y.Y00000; PPWOBSADC0]

Notice of Public Meeting: Concessions Management Advisory Board

AGENCY: National Park Service, Interior.

ACTION: Notice of cancellation of public meeting of the Concessions Management Advisory Board.

SUMMARY: On February 14, 2013, the National Park Service announced that a public meeting of the Concessions Management Advisory Board would be held March 20, 2013 in Washington, DC. This meeting has been cancelled. A future meeting date for this Board may be scheduled and would be announced in the **Federal Register**.

DATES: The public meeting previously scheduled for March 20 is cancelled.

FOR FURTHER INFORMATION CONTACT: For further information contact Deborah Harvey, Acting Chief, National Park Service, Commercial Services Program, 1201 Eye Street NW., Washington, DC 20005, Telephone: 202–513–7156.

Dated: March 11, 2013.

Lena McDowall,

Associate Director, Business Services.

[FR Doc. 2013–06041 Filed 3–14–13; 8:45 am]

BILLING CODE 4312–53–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Public Availability of Department of the Interior FY 2012 Service Contract Inventory and FY 2011 Service Contract Inventory Report

AGENCY: Office of Acquisition and Property Management, Interior.

ACTION: Notice of Public Availability of FY 2012 Service Contract Inventory and the FY 2011 Service Contract Inventory Report.

SUMMARY: The Department of the Interior is publishing this notice to advise the public of the availability of the fiscal year (FY) 2012 Service Contract Inventory and the FY 2011 Service Contract Inventory Report, in accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117). The inventory provides information on service contract actions over $25,000 that the Department made in FY 2012. The information is organized by function to show how contracted resources are distributed throughout the Department. The Department's analysis of its FY 2011 Service Contract inventory is summarized in the FY 2011 Service Contract Inventory report. The 2012 inventory and 2011 report were developed in accordance with guidance issued on December 19, 2011 and November 5, 2010, by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf.* The Department of the Interior has posted its FY 2012 Service Contract Inventory and a summary of the 2011 inventory on the Department of the Interior homepage at the following link: *http://www.doi.gov/pam/service-contract-inventory-report.cfm.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to Brigitte Meffert in the Office of Acquisition and Property Management at 202–513–0669 or *brigitte_meffert@ios.doi.gov.*

Pamela K. Haze,

Deputy Assistant Secretary—Budget, Finance, Performance and Acquisition.

[FR Doc. 2013–05964 Filed 3–14–13; 8:45 am]

BILLING CODE 4310–RF–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–R–2012–N104; 1265–0000–10137–S3]

Deer Flat National Wildlife Refuge, Canyon, Payette, Owyhee, and Washington Counties, ID, and Malheur County, OR; Draft Comprehensive Conservation Plan and Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan and environmental impact statement (Draft CCP/EIS) for the Deer Flat National Wildlife Refuge (Refuge, NWR) for public review and comment. In these documents, we describe alternatives, including our preferred alternative, for managing the Refuge for 15 years following approval of the final CCP.

DATES: To ensure consideration, please send your written comments by May 16, 2013.

ADDRESSES: You may submit comments or requests for copies or more information by any of the following methods. You may request hard copies or a CD–ROM of the documents.

Email: deerflat@fws.gov. Include ''Deer Flat Refuge draft CCP/EIS'' in the subject line of the message.

Fax: Attn: Jennifer Brown-Scott, Refuge Manager, 208–467–1019.

U.S. Mail: Deer Flat National Wildlife Refuge, 13751 Upper Embankment Road, Nampa, ID 83686

In-Person Drop-off, Viewing, or Pickup: Call 208–467–9278 to make an appointment (necessary for viewing/pickup only) during regular business hours at the above address. For more information on locations for viewing or obtaining documents, see Public Availability of Documents under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Jennifer Brown-Scott, Refuge Manager, 208–467–9278.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for Deer Flat NWR. We started this process through a notice published in the **Federal Register** on July 15, 2010 (Volume 75, Number 135). We now announce the availability of the Draft CCP/EIS, prepared pursuant to the National Wildlife Refuge System Administration Act, as amended, and the National Environmental Policy Act of 1969 (NEPA), as well as other legal mandates and our policies.

Habitat management activities proposed in the Draft CCP/EIS include improving the conditions of wetland, riparian, mudflat, and shrub-steppe habitats, with emphasis on reducing invasive species and reducing disturbance to wildlife and habitats from public use activities through no-wake zones and targeted seasonal closures.

Public-use management actions proposed in the Draft CCP/EIS include expanding and improving trails, signs, and visitor contact facilities for wildlife observation and photography; improving shoreline access for anglers;

continuing fishing and hunting coordination with the States; improving information available to all visitors; and reducing illegal activities.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Refuge Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System (Refuge System) that is consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Refuge System policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify compatible wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Refuge Administration Act.

Deer Flat NWR encompasses approximately 11,000 acres, primarily in southwest Idaho, but includes a small portion within eastern Oregon. The Refuge was established for the following purpose: ''as a refuge and breeding ground for migratory birds and other wildlife'' Executive Order 7655, dated July 12, 1937. Additional Refuge lands were acquired, for one or more of the following purposes: ''* * * for use as an inviolate sanctuary, or for any other management purpose, for migratory birds'' 16 U.S.C. 715d (Migratory Bird Conservation Act); ''suitable for—(1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species * * *'' 16 U.S.C. 460k–1; and ''* * * the Secretary * * * may accept and use * * * real * * * property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors * * *'' 16 U.S.C. 460k–2 (Refuge Recreation Act (16 U.S.C. 460k—460k–4), as amended).

The Refuge provides important habitat for a variety of wildlife, including nesting western and Clark's grebes, bald eagles, great blue and black-crowned night herons, Canada geese, and osprey; feeding habitat for a variety of shorebirds including Wilson's phalarope, long-billed curlew, long-billed dowitcher, and black-necked stilt; and habitats used during migration for a variety of raptors and passerines. Lake Lowell is the most prominent landscape feature, encompassing nearly 9,000 acres. The open water, emergent beds, mudflats, and riparian-emergent interface produced by the lake are important for many types of wildlife. The upland and riparian habitats on the 104 islands that comprise the Snake River Islands Unit make them important to migrants along the river corridor.

In addition to fulfilling the purposes for which the Refuge was established, the Draft CCP/EIS also provides scientifically-grounded guidance for improving the Refuge's shrub-steppe, riparian, wetland, mudflat, and open water habitats to facilitate long-term conservation of native plants, animals, and migratory birds while providing compatible high-quality public-use programs for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. The Draft CCP/EIS identifies actions to protect and sustain the Refuge's nesting waterbirds, the migratory shorebird populations, and wildlife and habitat diversity.

CCP Alternatives We Are Considering

The Service identified and evaluated four alternatives for managing Deer Flat NWR for the next 15 years, including a No-Action Alternative (Alternative 1). Brief descriptions of the alternatives follow.

Alternative 1 (Status Quo, No-Action Alternative)

Alternative 1 is the no-action alternative required by NEPA. Wildlife and habitat and public use management would continue at current levels as described below.

Management of wildlife and habitat on the Lake Lowell Unit would continue to involve basic population monitoring activities, invasive species control, and limited restoration. Invasive plant control would be conducted by one staff member and volunteers using mechanical, chemical, and biological controls.

A no-wake zone would continue to the southeast of Parking Lot 1 and the entire lake would close for winter migration from October 1 to April 14 each year. No other on-water protection would be provided for wildlife. The emergent vegetation along the shoreline of Lake Lowell, which provides erosion control, nesting habitat for grebes and other birds, foraging habitat for waterfowl and wading birds, as well as forage, nesting and brood rearing habitat for numerous fisheries, would remain unprotected.

Compatible existing public uses would continue and include the six priority wildlife-dependent recreational uses of the NWRS—hunting, fishing, wildlife observation and photography, environmental education and interpretation as well as nonwildlife-dependent activities such as horseback riding, biking, jogging, motorized boating, use of personal watercraft, water skiing, picnicking, and swimming. Under Alternative 1, there are few actions that would alter when, where, or how public uses are allowed to occur within the Refuge. Nearly the entire Refuge would continue to be available for on-trail public recreation, including wildlife observation, photography, jogging, bicycling, on-leash dog walking, and horseback riding. No additional trail or lake access would be provided. Upland and waterfowl hunting would continue to be allowed between Parking Lots 1 and 8, and from the east boundary of Gotts Point to the east boundary of the Leavitt Tract. A youth waterfowl hunt would continue to be hosted in current waterfowl hunt zones. Gotts Point would remain closed to vehicular traffic and limited bank fishing opportunities would exist around the lake. Lake users would continue to participate in numerous surface water recreational activities. The lake would open to boating on April 15 and close on September 30. The current no-wake zone, from Parking Lot 1 east, would remain in place.

Environmental education would continue to be conducted for on- and off-site programs. Public contact with Deer Flat NWR staff would remain limited and intermittent due to the small number of Refuge employees. Opportunities for visitors to obtain additional information while visiting the Refuge would remain largely dependent on kiosks, brochures, and the availability of volunteers.

Management of wildlife and habitats on the Snake River Islands Unit would continue to involve basic population monitoring activities. Because of the logistical difficulties and small staff, limited invasive species control and/or restoration efforts would be conducted on the Snake River islands.

Existing public uses on the islands would continue and include wildlife observation and deer, upland, and waterfowl hunting. The Snake River Islands are open from June 1 to January 31 for off-trail, free-roam activities, including shoreline fishing.

Alternative 2 (Service Preferred)

Alternative 2 would emphasize connecting urban families to nature by providing access to new facilities and programs for a wide range of compatible wildlife-dependent and nonwildlife-dependent recreational activities. Activities would be managed differently than in the status quo alternative to protect wildlife, reduce conflicts between users, and increase safety. Under the Preferred Alternative, fishing access would be promoted and wildlife interpretation would be emphasized and integrated into all visitor activities to increase awareness and understanding of Refuge resources. Under Alternative 2, the Service would protect and enhance habitat throughout the Refuge. We would protect Lake Lowell's shoreline feeding and nesting sites through no-wake zones and seasonal closures. Emphasis would be placed on developing interpretive programs that increase visitors' awareness of the Refuge's purposes and goals, and encourage conservation-oriented activities. Gotts Point would be opened to vehicular traffic upon completion of a cooperative agreement with Canyon County, for increased law enforcement presence. The Preferred Alternative provides protections and enhancements for wildlife not found in the status quo alternative, while still allowing almost all upland and on-water recreational opportunities currently occurring at the Refuge.

In order to provide needed protections for lake-dependent wildlife, management of Lake Lowell under Alternative 2 would include a 200-yard no-wake zone along the south side of the lake between Parking Lots 1 and 8, continuation of the wintering closure from October 1 to April 14 each year, no-wake zones in the Narrows, and an expansion of the no-wake zone in the southeast end to include Gotts Point. Motorized boats would be allowed in the no-wake zones; however, boaters would be allowed to travel at speeds that do not create a wake (generally 5 mph or slower). The Preferred Alternative would also create seasonally closed areas to protect migratory bird species' habitats, such as heron rookeries, eagle nests, and grebe nesting colonies. An increase in habitat enhancement through more intensive and targeted invasive species removal and vegetation manipulation is proposed. Increases in wildlife and habitat research and assessments would be focused on providing a strong scientific base for future management decisions.

Alternative 2 would provide access for a wide range of compatible outdoor recreational activities while putting in place measures (e.g., no-wake zones and seasonal closures) to protect wildlife. Fishing and interpretation would be emphasized to serve a growing urban and diverse population. Public use opportunities would connect people with nature to increase awareness of wildlife conservation.

Under the Preferred Alternative, Refuge staff would emphasize management of the Snake River Islands by increasing wildlife inventory and monitoring efforts and increasing invasive species control (following the Integrated Pest Management Plan) and restoration efforts. Islands management would be prioritized using several factors and managed accordingly. Island closure dates would be adjusted to better protect nesting geese, wading birds, and gulls and terns. An array of management techniques may be used, including prescribed fire and aerial application of herbicide and/or seed.

Compatible existing public uses would continue on the Snake River Islands Unit, including wildlife observation, deer hunting, and hunting for upland species and waterfowl on over 1,200 acres. Most of the Snake River Islands Unit would be open for off-trail, free-roam activities, including shoreline fishing, from June 15 to January 31. Heron and gull-nesting islands (4–6 islands) would be open for off-trail, free-roam activities from July 1 to January 31.

Alternative 3

Alternative 3 would provide additional protection for wildlife not found in the status quo alternative or Alternative 2 while allowing most surface-water recreational activities currently occurring and some of the current upland uses.

To provide additional protections for lake-dependent wildlife, emergent plant beds in Murphy's Neck and from Parking Lot 3 to 8 would be closed to human activity all year. The entire lake would be closed seasonally to protect wintering and migrating birds. All active and historic grebe nesting colony areas would be closed to public use by establishing a 500-yard closure during boating season. There would be a 100-yard seasonal closure to protect shorebird habitat along the shoreline from Murphy's Neck to the Narrows. A 200-yard closed area and a 200-yard no-wake zone would protect emergent beds and wildlife on the south side of the west pool. An increase in habitat enhancement through invasive species removal and vegetation manipulation is proposed. Increases in wildlife and habitat research and assessments would be focused on providing a strong scientific base for future management decisions.

Under Alternative 3, the lake would be open to use from April 15 to September 20 with only no-wake activities allowed in the east pool and wake-causing activities allowed from noon to one hour before sunset in the west pool. To improve the quality of both upland and waterfowl hunting, upland game bird hunting would be allowed only on the east end of the Refuge from the west boundary of the Leavitt Tract to the entrance at Greenhurst Road. A controlled waterfowl hunt (e.g., permit system or sign in/out) would be allowed only on the south side of the lake between Parking Lots 3 and 8 with a 25-shotgun-shell limit. Other wildlife-dependent activities would be allowed concurrent with the upland hunt and on the proposed boardwalk between Parking Lots 3 and 8. However, all trails in the waterfowl hunt area would be closed to the non-hunting public from Parking Lots 3 through 8. The boating season would end on September 20 in order to increase the quality of the youth hunt and reduce the possibility of unsafe hunter/boater interactions. The Refuge would not be open to some activities including horseback riding and dog walking. Bicycling would be allowed on the trail adjacent to the entrance road.

Refuge staff would emphasize management of the Snake River Islands by increasing wildlife inventory and monitoring efforts and increasing invasive species control (following the Integrated Pest Management Plan) and restoration efforts. Islands management would be prioritized using several factors and managed accordingly. Island closure dates would be adjusted to better protect nesting geese, wading birds, and gulls and terns. An array of management techniques may be used including prescribed fire and aerial application of herbicide and/or seed.

Existing public uses would continue on the Snake River Islands and include wildlife observation and deer, upland, and waterfowl hunting on 1,219 acres. Most of the Snake River Islands Unit would be open for off-trail, free-roam activities, including shoreline fishing, from June 15 to January 31. Heron and gull-nesting islands (4–6 islands) would be open for off-trail, free-roam activities from July 1 to January 31.

Overall, Alternative 3 attempts to increase the quality of compatible wildlife-dependent recreation by eliminating horseback riding and dog walking and segregating high-speed

boating from wildlife-dependent users. However, a drawback of the no-wake zone changes would be to increase the amount of time it would take wildlife-dependent users to reach high-quality wildlife areas.

Alternative 4

Alternative 4 is the most protective alternative providing wildlife restrictions not found in Alternatives 1–3. To reduce disturbance to feeding and resting wildlife, only boating at no-wake speeds would be allowed on Lake Lowell. All emergent beds and the southeast end of the lake would be closed to public use to protect nesting and feeding waterbirds, waterfowl, and shorebirds. The entire lake would continue to be closed for wintering and migrating birds from October 1 to April 14 each year. An increase in habitat enhancement through invasive species removal and vegetation manipulation is proposed. Increases in wildlife and habitat research and assessments would be focused on providing a strong scientific base for future management decisions.

Under Alternative 4, there are numerous actions which would alter when, where, and how public uses would be allowed on the Lake Lowell Unit. Boating would be allowed at no-wake speeds on all areas of the lake open to the public from April 15 to September 30. Several portions of the Refuge would be closed to all public activity. The Refuge would not be open to nonwildlife-dependent activities including horseback riding, dog walking, or bicycling.

Alternative 4 includes several elements to protect wildlife and enhance the Refuge recreational experience. To minimize conflicts with and improve the quality of the waterfowl hunt program, upland game hunting would no longer be allowed at the Lake Lowell Unit. Waterfowl hunting would be allowed on the south side of the Lake Lowell Unit from Parking Lots 1–8 with a 25-shotgun-shell limit.

Refuge staff would emphasize management of the Snake River Islands by increasing wildlife inventory and monitoring efforts and increasing invasive species control (following the Integrated Pest Management Plan) and restoration efforts. Island management would be prioritized using several factors and managed accordingly. Island closure dates would be adjusted to better protect nesting geese, wading birds, and gulls and terns. An array of management techniques may be used including prescribed fire and aerial application of herbicide and/or seed.

Existing public uses would continue on the Snake River Islands and include wildlife observation and deer, upland and waterfowl hunting on 1,219 acres. Most of the Snake River Islands Unit would be open for off-trail, free-roam activities, including shoreline fishing, from June 15 to January 31. Heron and gull-nesting islands (4–6 islands) would be open for off-trail, free-roam activities from July 1 to January 31.

Public Availability of Documents

In addition to methods in **ADDRESSES**, you can view or obtain documents at the following locations.

Our Web site: http://www.fws.gov/deerflat/refugeplanning.html.

Caldwell Public Library, 1010 Dearborn St., Caldwell, ID 83605

Homedale Public Library, 125 W Owyhee Ave, Homedale, ID 83628

Lizard Butte District Library, 111 3rd Ave W, Marsing, ID 83639

Nampa Public Library, 101 11th Ave S, Nampa, ID 83651

Payette Public Library, 24 S 10th St., Payette, ID 83661

Ada County District Library, 10664 W Victory Rd, Boise, ID 83709

Submitting Comments

Public comments are requested, considered, and incorporated throughout the planning process; please see **DATES** for due dates. Comments on the Draft CCP/EIS will be analyzed by the Service and addressed in final planning documents.

Public Availability of Comments

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.

Dated: February 7, 2013.

Richard R. Hannan,

Acting Regional Director, Pacific Region, Portland, Oregon.

[FR Doc. 2013–05902 Filed 3–14–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2012–N255; FXES11130600000–134–FF06E00000]

Endangered and Threatened Wildlife and Plants; Draft Revised Recovery Plan for Pallid Sturgeon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability for review and comment.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability of a draft revised recovery plan for the pallid sturgeon (*Scaphirhynchus albus*). This species is federally listed as endangered under the Endangered Species Act of 1973, as amended (Act). The Service solicits review and comment from the public on this draft revised plan.

DATES: Comments on the draft revised recovery plan must be received on or before May 14, 2013.

ADDRESSES: Copies of the draft revised recovery plan are available by request from the Northern Rockies Fish and Wildlife Conservation Office, U.S. Fish and Wildlife Service, 2900 4th Avenue North, Room 301, Billings, MT 59101; telephone 406–247–7365. Submit comments on the draft recovery plan to the Project Leader at this same address. An electronic copy of the draft recovery plan is available at *http://www.fws.gov/endangered/species/recovery-plans.html.*

FOR FURTHER INFORMATION CONTACT: Project Leader, at the above address, or telephone 406–247–7365.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service prepares recovery plans for the federally listed species native to the United States where a plan will promote the conservation of the species. Recovery plans describe site-specific actions necessary for the conservation of the species, establish objective, measurable criteria which, when met, would result in a determination that the species no longer needs the protection of the Act (16 U.S.C. 1531 *et seq.*), and provide estimates of the time and cost for implementing the needed recovery measures.

The Act requires recovery plans for listed species unless such a plan would not promote the conservation of a particular species. The original plan for the species was approved in 1993. Section 4(f) of the Act, as amended in 1988, requires that public notice and opportunity for public review and comment be provided during recovery plan development. The Service will consider all information received during a public comment period when preparing each new or revised recovery plan for approval. The Service and other Federal agencies also will take these comments into consideration in the course of implementing approved recovery plans. It is our policy to request peer review of recovery plans. We will summarize and respond to the issues raised by the public and peer reviewers in an appendix to the approved recovery plan.

The pallid sturgeon (*Scaphirhynchus albus*), found in the Missouri and Mississippi River basins of the United States, was listed as an endangered species on September 6, 1990 (55 FR 36641). At the time of listing, the species was threatened by habitat destruction and modification, overutilization, and inadequacy of existing regulatory mechanisms, as well as other natural or manmade factors.

The recovery of pallid sturgeon will rely on effective conservation responses to the issues facing the species, which remain varied and complex. The pallid sturgeon is native to the Missouri and Mississippi Rivers and adapted to the pre-development habitat conditions that historically existed in these rivers. These conditions generally can be described as large, free-flowing, warm-water, and turbid rivers with a diverse assemblage of physical habitats that were in a constant state of change. Limiting factors include: (1) Activities that affect connectivity and the natural form, function, and hydrologic processes of rivers; (2) illegal harvest; (3) impaired water quality and quantity; (4) entrainment in water diversion structures; and (5) life history attributes of the species (i.e., delayed sexual maturity, females not spawning every year, and larval drift requirements). The degree to which these factors affect the species varies among river reaches. The recovery strategy for the pallid sturgeon focuses on the need to better understand certain life history traits and the complex interactions between these traits and altered habitats in the contemporary Missouri and Mississippi River basins, threats abatement, population management, research, and monitoring. We emphasize conserving extant genetic viability through a conservation augmentation program to prevent localized extirpation, researching and implementing habitat improvement as appropriate; monitoring habitat conditions; and monitoring population status.

Request for Public Comments

The Service solicits public comments on the draft revised recovery plan. All comments received by the date specified in **DATES** will be considered prior to approval of the plan. Written comments and materials regarding the plan should be addressed to the Field Supervisor (see **ADDRESSES** section). Comments and materials received will be available, by appointment, for public inspection during normal business hours at the above address. All public comment information provided voluntarily by mail, by phone, or at meetings (e.g., names, addresses, letters of comment, input recorded during meetings) becomes part of the official public record. If requested under the Freedom of Information Act by a private citizen or organization, the Service may provide copies of such information.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: January 28, 2013.

Noreen E. Walsh,

Regional Director, Denver, Colorado.

[FR Doc. 2013–05997 Filed 3–14–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Announcement of National Geospatial Advisory Committee Meeting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: The National Geospatial Advisory Committee (NGAC) will meet on April 3, 2013, from 1:00 p.m. to 5:00 p.m. EST. The meeting will be held via Web conference and teleconference.

The NGAC, which is composed of representatives from governmental, private sector, non-profit, and academic organizations, has been established to advise the Chair of the Federal Geographic Data Committee on management of Federal geospatial programs, the development of the National Spatial Data Infrastructure, and the implementation of Office of Management and Budget (OMB) Circular A–16. Topics to be addressed at the meeting include:

—Leadership Dialogue
—FGDC Guidance to the NGAC
—NSDI Strategic Plan
—FGDC Update

Members of the public who wish to attend the meeting must register in advance. Please register by contacting Arista Maher at the Federal Geographic Data Committee (703–648–6283, *amaher@fgdc.gov*). Meeting registrations are due by March 29, 2013. Meeting information (web conference and teleconference instructions) will be provided to registrants prior to the meeting. While the meeting will be open to the public, attendance may be limited due to web conference and teleconference capacity.

The meeting will include an opportunity for public comment. Attendees wishing to provide public comment should register by March 29. Please register by contacting Arista Maher at the Federal Geographic Data Committee (703–648–6283, *amaher@fgdc.gov*). Comments may also be submitted to the NGAC in writing.

DATES: The meeting will be held on April 3, 2013, from 1:00 p.m. to 5:00 p.m. EST.

FOR FURTHER INFORMATION CONTACT: John Mahoney, U.S. Geological Survey (206–220–4621).

SUPPLEMENTARY INFORMATION: Meetings of the National Geospatial Advisory Committee are open to the public. Additional information about the NGAC and the meeting are available at *www.fgdc.gov/ngac.*

Dated: March 7, 2013.

Ivan DeLoatch,

Executive Director, Federal Geographic Data Committee.

[FR Doc. 2013–06067 Filed 3–14–13; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–10782, AA–11132, AA–10784, AA–12440, AA–11020, AA–10783, AA–10774; LLAK–944000–L14100000–HY0000–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Decision Approving Lands for Conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that the Bureau of Land Management (BLM) will issue an appealable decision to Chugach Alaska Corporation. The

decision will approve conveyance of the surface and subsurface estates in certain lands pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq*). The lands are located southwest of Eyak, AK, and contain 169.55 acres. Notice of the decision will also be published four times for four consecutive weeks in the *Anchorage Daily News.*

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until April 15, 2013 to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights. Notices of appeal transmitted by electronic means, such as facsimile or email, will not be accepted as timely filed.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION, CONTACT: The BLM by phone at 907–271–5960 or by email at *blm_ak_akso_public_room@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 BLM during normal business hours. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

Dina L. Torres,

Land Transfer Resolution Specialist, Division of Lands and Cadastral.

[FR Doc. 2013–05937 Filed 3–14–13; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–MWR–ISRO–11142; PPMWMWROW2/ PPMPSAS1Y.YP0000]

Notice of Intent To Prepare a Cultural Resources Management Plan/ Environmental Impact Statement for Isle Royale National Park, Michigan

AGENCY: National Park Service, Interior.

ACTION: Notice of Intent.

SUMMARY: The National Park Service (NPS) announces its intent to prepare a Cultural Resources Management Plan/ Environmental Impact Statement (CRMP/EIS) for Isle Royale National Park (ISRO), Michigan.

DATES: This notice initiates the public scoping process for the CRMP/EIS. Comments may be submitted in writing at any time; however comments will be most useful if they are made before May 1, 2013. Notices of any public scoping meetings regarding this CRMP/EIS, including specific dates, times, and locations, will be announced in the local media; in project newsletters; on the project Web site at *http://parkplanning.nps.gov/ISROcrmp;* or may be obtained directly by contacting the Superintendent at the address below.

ADDRESSES: Superintendent, Isle Royale National Park, 800 East Lakeshore Drive, Houghton, Michigan 49931–1896. You are encouraged to provide comments or requests to be added to the mailing list electronically through the project Web site at *http://parkplanning.nps.gov/ISROcrmp* or by contacting the Superintendent.

FOR FURTHER INFORMATION CONTACT: Superintendent Phyllis Green, Isle Royale National Park, 800 East Lakeshore Drive, Houghton, Michigan 49931–1896; telephone (906) 482–0984. You may also contact Liz Valencia, Chief of Interpretation/Cultural Resources; telephone (906) 487–7153; or Seth DePasqual, Cultural Resource Manager; telephone (906) 487–7146 for information related to this notice.

SUPPLEMENTARY INFORMATION: We, the NPS, are announcing our intent to prepare a CRMP/EIS. This effort will result in a plan for future management of cultural resources at ISRO.

This CRMP/EIS tiers from the 1998 General Management Plan (GMP) to develop a comprehensive strategy for managing cultural resources that would ensure consistent and appropriate identification, preservation treatment, and interpretation of these resources. The ISRO enabling legislation and the National Historic Preservation Act (16 U.S.C. 470 et seq.), as well as the Wilderness Act (16 U.S.C. 1131–36) and other laws and policies, will frame the decision-making for the CRMP/EIS. The CRMP/EIS will establish the overall management direction for ISRO cultural resources over the next 15–20 years and will integrate cultural resource management goals and objectives within the context of other key ISRO resources and values.

Cultural resources include archeological resources, cultural landscapes, ethnographic resources, museum objects, and historic structures. Some of these resources are eligible for inclusion on the National Register of Historic Places. A large portion of ISRO is water and has many submerged cultural resources, from shipwrecks to the artifacts from previous inhabitants. All but a small fraction of the ISRO landmass is wilderness (this wilderness does not extend into the water), and a mix of cultural sites can be found in wilderness and non-wilderness areas.

The CRMP/EIS will prescribe desired resource conditions and visitor experiences to be achieved and maintained for cultural resources based on the park purpose and significance, special mandates, the body of NPS and historic preservation laws and policies, resource condition analysis, and by taking into consideration the range of public expectations and concerns. The CRMP/EIS will also outline a variety of resource management activities, visitor activities, and developments with regard to cultural resources that would be appropriate at ISRO in the future. A full range of reasonable alternatives for the management, treatment, and interpretation of cultural resources will be developed through this planning process and will include, at minimum, a no-action and a preferred alternative. The potential environmental effects of each alternative will be evaluated.

The purpose of the formal public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the CRMP/EIS. All interested persons, organizations, agencies, and Tribes are encouraged to submit comments and suggestions on issues and concerns that should be addressed in the CRMP/EIS, and the range of appropriate alternatives that should be examined.

The NPS will use the public involvement process established by the National Environmental Policy Act (42 U.S.C. 4321- 4347) to satisfy the requirements of Section 106 of the National Historic Preservation Act (16

U.S.C. 470f), as provided for in 36 CFR 800.2(d)(3). Federal, State, and local agencies that may be interested or affected by decisions related to this project are invited to participate in the scoping process and, if eligible, may request or be requested by the NPS to participate as a cooperating agency.

We welcome your comments and assistance in our efforts, but before including your address, telephone number, email address, or other personal identifying information in a 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 comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will make all submissions from organizations or businesses, from individuals identifying themselves as representatives or officials, or organizations or businesses, available for public inspection in their entirety.

Dated: December 21, 2012.

Michael T. Reynolds,

Regional Director, Midwest Region.

[FR Doc. 2013–06001 Filed 3–14–13; 8:45 am]

BILLING CODE 4310–MA–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2013–00]

Notice of Determination of No Competitive Interest, Offshore Virginia

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of Determination of No Competitive Interest (DNCI) for a Proposed Outer Continental Shelf (OCS) Research Lease Offshore Virginia.

SUMMARY: This notice provides BOEM's determination that there is no competitive interest in the area requested by the Commonwealth of Virginia, Department of Mines, Minerals and Energy (DMME) to acquire an OCS research lease as described in the *Request for Competitive Interest (RFCI): Research Lease for Renewable Energy on the Outer Continental Shelf Offshore Virginia,* that BOEM published on December 21, 2012, (77 FR 75656–75658). The RFCI described the proposal submitted to BOEM by the DMME to acquire an OCS lease for wind energy research activities on the OCS off the coast of Virginia, and provided an opportunity for the public to submit comments about the proposal.

DATES: Effective March 15, 2013.

FOR FURTHER INFORMATION CONTACT: Mr. Casey Reeves, Project Coordinator, BOEM, Office of Renewable Energy Programs, 381 Elden Street, HM 1328, Herndon, Virginia 20170, (703) 787–1320.

SUPPLEMENTARY INFORMATION:

Authority

This DNCI is published pursuant to subsection 8(p)(3) of the OCS Lands Act (43 U.S.C. 1337(p)(3)), which was added by section 388 of the Energy Policy Act of 2005 (EPAct), and the implementing regulations at 30 CFR part 585. Subsection 8(p)(3) of the OCS Lands Act requires that OCS renewable energy leases, easements, and rights-of-way be issued ''on a competitive basis unless the Secretary [of the Interior] determines after public notice of a proposed lease, easement, or right-of-way (ROW) that there is no competitive interest.'' The Secretary delegated the authority to make such determinations to BOEM.

Determination and Next Steps

This DNCI provides notice to the public that BOEM has determined there is no competitive interest in the proposed research lease area, as no indications of competitive interest were submitted in response to the RFCI.

In the December 2012 RFCI, BOEM also solicited public comment on the proposed lease area and the proposed DMME research project and any potential impacts that the project may have. In response to the RFCI, BOEM received public comment submissions from four entities none of which expressed competitive interest in the proposed research lease area. However, BOEM will use the comments that it received to inform its subsequent decisions. After the publication of this DNCI, BOEM will proceed with the research lease issuance process outlined at 30 CFR 585.238.

Map of the Area

A map of the area proposed for a research lease can be found at the following URL: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/Virginia.aspx.*

Dated: March 4, 2013.

Tommy P. Beaudreau,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2013–06051 Filed 3–14–13; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–747 (Third Review)]

Fresh Tomatoes From Mexico; Termination of Five-Year Review and Resumption of Antidumping Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The subject five-year review was instituted on December 3, 2012, to determine whether termination of the suspended investigation on fresh tomatoes from Mexico would be likely to lead to continuation or recurrence of material injury (77 FR 71629, December 3, 2012). On February 28, 2013, Mexican tomato growers/exporters accounting for a significant percentage of all fresh tomatoes imported into the United States from Mexico provided written notice to the Department of Commerce of their withdrawal from the agreement suspending the antidumping investigation on fresh tomatoes from Mexico. Effective March 1, 2013, the Department of Commerce terminated the suspension agreement, terminated the five-year review of the suspended investigation, and resumed the antidumping investigation on fresh tomatoes from Mexico because the suspension agreement no longer covered substantially all imports of fresh tomatoes from Mexico. Accordingly, the U.S. International Trade Commission gives notice of the termination of its review and the resumption of its antidumping investigation of fresh tomatoes from Mexico. A schedule for the final phase of the investigation will be established and announced at a later date.

DATES: *Effective Date:* March 4, 2013.

SUPPLEMENTARY INFORMATION:

Background. On November 1, 1996, the Department of Commerce (''Commerce'') suspended an antidumping investigation on imports of fresh tomatoes from Mexico (61 FR 56618, November 1, 1996). On October 1, 2001, Commerce initiated its first five-year review of the suspended investigation (66 FR 49926, October 1, 2001). On the basis of the withdrawal from the suspension agreement by Mexican tomato growers which accounted for a significant percentage of all fresh tomatoes imported into the United States from Mexico, Commerce terminated the suspension agreement, terminated the first five-year review, and resumed the antidumping

investigation, effective July 30, 2002 (67 FR 50858, August 6, 2002). On December 16, 2002, Commerce suspended the antidumping investigation on imports of fresh tomatoes from Mexico (67 FR 77044). On November 1, 2007, Commerce initiated its second five-year review of the suspended investigation (72 FR 61861). Once again, based on the withdrawal from the suspension agreement by Mexican tomato growers which accounted for a significant percentage of all fresh tomatoes imported into the United States from Mexico, Commerce terminated the suspension agreement, terminated the second five-year review, and resumed the antidumping investigation, effective January 18, 2008 (73 FR 2887, January 16, 2008). The antidumping investigation was again suspended effective January 22, 2008 (73 FR 4831, January 28, 2008). On December 3, 2012, Commerce initiated its third five-year review of the suspended investigation (77 FR 71684). On February 2, 2013, Commerce and Mexican tomato growers/exporters accounting for a significant percentage of all fresh tomatoes imported into the United States from Mexico initialed a draft agreement that would suspend a resumed antidumping investigation on fresh tomatoes from Mexico. Based on this draft agreement, on February 8, 2013, Commerce published its intention to terminate the 2008 suspension agreement, terminate its third five-year review, and resume its antidumping investigation (78 FR 9366).

FOR FURTHER INFORMATION CONTACT: Elizabeth Haines (202–205–3200), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. 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 (*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.*

Authority: This investigation is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.40 of the Commission's rules (19 CFR 207.40).

By order of the Commission.

Issued: March 11, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–05998 Filed 3–14–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–747 (Third Review)]

Fresh Tomatoes From Mexico; Suspension of Antidumping Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The subject five-year review was instituted on December 3, 2012, to determine whether termination of the suspended investigation on fresh tomatoes from Mexico would be likely to lead to continuation or recurrence of material injury (77 FR 71629). On February 28, 2013, Mexican tomato growers/exporters accounting for a significant percentage of all fresh tomatoes imported into the United States from Mexico provided written notice to the Department of Commerce of their withdrawal from the agreement suspending the antidumping investigation on fresh tomatoes from Mexico. Effective March 1, 2013, Commerce terminated the suspension agreement, terminated the five-year review of the suspended investigation, and resumed the antidumping investigation on fresh tomatoes from Mexico because the suspension agreement no longer covered substantially all imports of fresh tomatoes from Mexico. On March 4, 2013, based on a final 2013 suspension agreement, Commerce announced the suspension of its antidumping investigation of fresh tomatoes from Mexico. Accordingly, the U.S. International Trade Commission now provides notice of the suspension of its antidumping investigation of fresh tomatoes from Mexico.

DATES: *Effective Date:* March 5, 2013.

SUPPLEMENTARY INFORMATION:

Background. On November 1, 1996, the Department of Commerce (''Commerce'') suspended an antidumping investigation on imports of fresh tomatoes from Mexico (61 FR 56618). On October 1, 2001, Commerce initiated its first five-year review of the suspended investigation (66 FR 49926). On the basis of the withdrawal from the suspension agreement by Mexican tomato growers which accounted for a significant percentage of all fresh tomatoes imported into the United States from Mexico, Commerce terminated the suspension agreement, terminated the first five-year review, and resumed the antidumping investigation, effective July 30, 2002 (67 FR 50858, August 6, 2002). On December 16, 2002, Commerce suspended the antidumping investigation on imports of fresh tomatoes from Mexico (67 FR 77044). On November 1, 2007, Commerce initiated its second five-year review of the suspended investigation (72 FR 61861). Once again, based on the withdrawal from the suspension agreement by Mexican tomato growers which accounted for a significant percentage of all fresh tomatoes imported into the United States from Mexico, Commerce terminated the suspension agreement, terminated the second five-year review, and resumed the antidumping investigation, effective January 18, 2008 (73 FR 2887, January 16, 2008). The antidumping investigation was again suspended effective January 22, 2008 (73 FR 4831, January 28, 2008). On December 3, 2012, Commerce initiated its third five-year review of the suspended investigation (77 FR 71684). On February 2, 2013, Commerce and Mexican tomato growers/exporters accounting for a significant percentage of all fresh tomatoes imported into the United States from Mexico initialed a draft agreement that would suspend a resumed antidumping investigation on fresh tomatoes from Mexico. Based on this draft agreement, on February 8, 2013, Commerce published its intention to terminate the 2008 suspension agreement, terminate its third five-year review, and resume its antidumping investigation (78 FR 9366). On March 4, 2013, based on a final 2013 suspension agreement, Commerce announced the suspension of its antidumping investigation of fresh tomatoes from Mexico.

FOR FURTHER INFORMATION CONTACT: Elizabeth Haines (202–205–3200), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. 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 (*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.*

Authority: This investigation is being suspended under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.40 of the Commission's rules (19 CFR 207.40).

By order of the Commission.

Issued: March 11, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–05996 Filed 3–14–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Certain Microelectromechanical Systems (''MEMS Devices'') and Products Containing Same; Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Microelectromechanical Systems (''MEMS Devices'') and Products Containing Same,* DN 2942; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be 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., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*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.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of STMicroelectronics, Inc. on March 11, 2013. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain microelectromechanical systems (''MEMS devices'') and products containing same. The complaint names as respondents InvenSense, Inc. of Sunnyvale, CA; Roku, Inc. of Saratoga, CA and Black & Decker (U.S.), Inc. of New Britain, CT.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) Identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) Indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) Explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 2942'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 11, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–05999 Filed 3–14–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–831]

Certain Electronic Devices for Capturing and Transmitting Images, and Components Thereof; Commission Determination Not To Review an Initial Determination Terminating the Investigation; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 47) of the presiding administrative law judge (''ALJ'') terminating the investigation.

FOR FURTHER INFORMATION CONTACT: Amanda S. Pitcher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation are or will be 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., Washington, DC 20436, telephone (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.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 27, 2012, based on a complaint filed by Eastman Kodak Company of Rochester, New York. 77 FR 11588–89 (Feb. 27, 2012). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 7,210,161; 7,742,084; 7,453,605; 7,936,391; and 6,292,218 by certain electronic devices for capturing and transmitting images, and components thereof. The complaint further alleges that an industry in the United States exists as required by subsections (a)(2) and (3) of section 337. The Notice of Institution named as respondents Apple Inc. of Cupertino, California; High Tech Computer Corp. a/k/a HTC Corp. of Taoyuan, Taiwan; HTC America, Inc. of Bellevue, Washington; and Exedea, Inc. of Houston, Texas.

On February 12, 2013, the ALJ issued the subject ID, terminating the investigation pursuant to Commission Rule 210.21 for good cause. None of the parties petitioned for review of the ID.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: March 11, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–05995 Filed 3–14–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–820]

Certain Products Containing Interactive Program Guide and Parental Controls Technology; Commission Determination Not To Review an Initial Determination Terminating the Investigation Based Upon a Settlement Agreement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 58) terminating the investigation based upon a settlement agreement in the above captioned investigation.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be 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., Washington, DC 20436, telephone (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.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 21, 2011, based on a complaint filed by Rovi Corporation of Santa Clara, California; Rovi Guides, Inc. (f/k/a/Gemstar-TV Guide International Inc.) of Santa Clara, California; United Video Properties, Inc. of Santa Clara, California; Gemstar Development Corporation of Santa Clara, California; and Index Systems, Inc. of Tortola, the British Virgin Islands (collectively, ''Rovi''). 76 FR 79214–5 (Dec. 21, 2011). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain products containing interactive program guide and parental controls technology by reason of infringement of certain claims of U.S. Patent Nos. 7,493,643; RE41,993; 6,701,523; and 7,047,547. The notice of investigation named Vizio, Inc. of Irvine, California (''Vizio''); Haier Group Corp. of Shandong, China (''HGC''); and Haier America of New York, New York (''Haier America'') as respondents. The Office of Unfair Import Investigations was also named as a party, but later decided not to participate in the investigation under the Commission's *Supplement to the Strategic Human Capital Plan 2009–2013.* Commission Investigative Staff's Notice of Nonparticipation (Jan. 6, 2012). The Commission later terminated the investigation as to Haier America and HGC based on consent orders. Notice (June 18, 2012) (Order No. 18); Notice (June 18, 2012) (Order No. 19).

On January 4, 2013, Rovi and Vizio jointly filed a motion to terminate the investigation based upon a settlement agreement. Rovi and Vizio filed public and confidential versions of the motion to terminate and the settlement agreement. On January 8, 2013, the ALJ granted the motion as an ID (Order No. 56). On January 29, 2013, the Commission determined to review the ID and found that the public version of the settlement agreement did not comply with Commission Rules 210.21(b)(1) and 201.6. Accordingly, the Commission remanded the investigation to the ALJ to require Rovi and Vizio to file a renewed motion to terminate along with public and confidential versions of the settlement agreement that comply with Commission rules.

In response to the Commission's January 29, 2013 Order, Rovi and Vizio jointly filed a renewed motion to terminate the investigation based upon a settlement agreement on February 13, 2013, that included a fully unredacted confidential version of the settlement agreement and a lightly redacted public version. On February 19, 2013, the ALJ issued the subject ID (Order No. 58) granting the motion. The ALJ found that termination would be in the public interest.

No petitions for review of the ID were filed. The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42–46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46).

By order of the Commission.

Issued: March 11, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–05993 Filed 3–14–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–873]

Certain Integrated Circuit Devices and Products Containing the Same; 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 February 8, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Tela Innovations, Inc. of Los Gatos, California. A letter supplementing the complaint was filed on February 28, 2013. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain integrated circuit devices and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 8,264,049 (''the '049 patent''); U.S. Patent No. 8,264,044 (''the '044 patent''); U.S. Patent No. 8,258,550 (''the '550 patent''); U.S. Patent No. 8,258,547 (''the '547 patent''); U.S. Patent No. 8,217,428 (''the '428 patent''); U.S. Patent No. 8,258,552 (''the '552 patent''); and U.S. Patent No. 8,030,689 (''the '689 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

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 March 11, 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)(B) 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 integrated circuit devices and products containing the same that infringe one or more of claims 1–11 and 20–23 of the '049 patent; claims 1–5, 7, 8, 10–14, 17, 18, 21–25, 28, 29, 32–36, 39, and 40 of the '044 patent; claims 1–23, 26–31, and 38–46 of the '550 patent; claims 1–34 of the '547 patent; claims 1–13 of the '428 patent; claims 1–5, 11, and 18–47 of the '552 patent; and claims 2–4, 29, and 33–46 of the '689 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1) and (f)(1);

(3) 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 complainant is:

Tela Innovations, Inc., 485 Alberto Way, Suite 115, Los Gatos, CA 95032.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

HTC Corporation, 23 Xinghua Road, Taoyuan, 330, Taiwan.

HTC America, Inc., 13920 SE. Eastgate Way, Bellevue, WA 98005.

LG Electronics, Inc., LG Twin Towers, 20, Yeouido-dong, Yeongdeungpo-gu, Seoul 150–721, Republic of Korea.

LG Electronics U.S.A., Inc., 1000 Sylvan Avenue, Englewood Cliffs, NJ 07632.

LG Electronics MobileComm U.S.A., Inc., 10101 Old Grove Road, San Diego, CA 92131.

Motorola Mobility LLC, 600 N. U.S. Highway 45, Libertyville, IL 60048.

Nokia Corporation (Nokia Oyj), Keilalahdentie 2–4, FI–02150 Espoo, Finland.

Nokia, Inc., 200 South Matilda Avenue, West Washington Avenue, Sunnyvale, CA 94086.

Pantech Co., Ltd., Pantech R&D Center, I–2, DMC Sangam-dong Mapo-go, Seoul, 121–270, Republic of Korea.

Pantech Wireless, Inc., 5607 Glenridge Dr. NE., Suite 500, Atlanta, GA 30342.

(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 respondents 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 respondents, 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 respondents.

Issued: March 12, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–06005 Filed 3–14–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB No. 1121–0094]

Agency Information Collection Activities; Existing Collection; Comments Requested;Extension of a Currently Approved Collection: Annual Survey of Jails

ACTION: 30-Day Notice.

The Department of Justice (DOJ), Bureau of Justice Statistics, 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. The proposed information was previously published in the **Federal Register** Volume 78, Number 4, pages 959–961 on Monday, January 7, 2013, allowing a 60-day comment period. The burden estimate for local jails in the Annual Survey of Jails increased from 929 respondents as indicated in the 60-day notice to 950 respondents, due to the inclusion of 21 respondents from all other California jail jurisdictions not originally selected in the sample survey.

The purpose of this notice is to allow for an additional 30 days for public comment April 15, 2013.

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 Todd D. Minton, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (phone: 202–305–9630).

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 Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—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, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revisions of a currently approved collection.

(2) *Title of the Form/Collection:* The Annual Survey of Jails (ASJ). The collection includes the forms: Annual Survey of Jails (ASJ), which includes the regular form and the certainty jurisdiction form; and the Survey of Jails in Indian Country (SJIC) regular form.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form numbers include:

- Annual Survey of Jails: This collection consists of four forms:
  - CJ–5 and CJ–5A, the ASJ regular forms: These forms go to jail jurisdictions in the ASJ sample that are not selected with certainty. The CJ–5 form goes to jail jurisdictions operated by the county or city and the CJ–5A goes to privately owned or operated confinement facilities. In an effort to assess the recent impact California jails have on the national jail population due to significant correctional policy changes in that state, non-sampled jail jurisdiction from California will also be included in the data collection, but not included in the national jail population estimate;
  - CJ–5D and CJ–5DA, the ASJ certainty jurisdiction forms: The forms go to jail jurisdictions in the ASJ sample that are selected with certainty. The CJ–5D and CJ–5DA request additional information about the distribution of time served, staffing, and inmate misconduct that are not requested on the CJ–5 and CJ–5A. The CJ–5D goes to jurisdictions operated by the county or city; the CJ–5DA goes to confinement facilities administered by two or more governments and privately owned or operated confinement facilities.
- Survey of Jails in Indian Country (SJIC): All respondents receive the CJ–5B (the SJIC regular form).

The applicable component of the Department of Justice sponsoring the collection is the Bureau of Justice Statistics, which is within the Office of Justice Programs.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: The affected public that will be asked to respond include approximately 1,000 county, city, and Tribal jail authorities (950 respondents to the ASJ and 82 to the SJIC). As community institutions that book an estimated 12 million inmates per year, local jails are an integral part of the justice system, operating at the front end (that is, following arrest or referral) as well as the back end (discharging inmates and holding those sentenced to jail). Their broad functions include handling inmates who are awaiting trial or sentencing, holding inmates for other authorities, detaining inmates with special needs such as mental health holds or alcohol detoxifications, transferring inmates to court appearances and bringing them back to detention, discharging inmates at the behest of the court or other entities, and holding inmates who have been sentenced to terms in jail.

In response to the increase in the California jail population as the result of legislature and governor enacted laws to reduce the number of inmates housed in state prisons, BJS plans to collect data from the non-selected California jails in the sample survey to assess the impact on the national jail population. On May 23, 2011, the U.S. Supreme Court upheld the ruling by a lower three-judge court that the State of California must reduce its prison population to 137.5% of design capacity (approximately 110,000 prisoners) within two years to alleviate overcrowding. In response, the California State Legislature and governor enacted two laws—AB 109 and AB 117—to reduce the number of inmates housed in state prisons starting October 1, 2011. The Public Safety Realignment (PSR) policy is designed to

reduce the prison population through normal attrition of the existing population while placing new nonviolent, nonserious, nonsexual offenders under county jurisdiction for incarceration in local jail facilities. Inmates released from local jails will be placed under a county-directed post-release community supervision program (PRCS) instead of the state's parole system.

The set of collections in this package provides BJS with the capacity to track and analyze changes in the jail inmate population that might signal changes in the kinds of cases coming into or leaving the criminal justice system, and to analyze how the volatility of jail inmate populations affects the workload of jails and their capacities to provide services. The parallel structure of the SJIC collection provides BJS with this capacity for Indian country jails.

In its entirety, this collection is the only national effort devoted to describing and understanding annual changes in jail populations as well as assessing programs and capacities to provide services. The collection enables BJS, other federal agencies, and state, local, and Tribal corrections authorities and administrators, as well as legislators, researchers, and jail planners to track growth in the number of jails and their capacities nationally; as well as, track changes in the demographics and supervision status of jail population and the prevalence of crowding.

The forms and information content for this collection are outlined next in the following order: First, the components of the Annual Survey of Jails (ASJ), which include the CJ–5, CJ–5A, CJ–5D, and CJ–5DA. Second, the Survey of Jails in Indian Country (SJIC) includes the CJ–5B.

The two components of the Annual Survey of Jails include the CJ–5/5A and CJ–5D/5DA forms. The CJ–5/5A forms are to be administered to ASJ sample elements that are selected with a probability of less than 1. The CJ–5D/5DA forms are to be administered to ASJ sample elements selected with certainty.

CJ–5 and CJ–5A

For these forms, 555 respondents from sampled county and city jails and 21 respondents from non-selected California jails will be asked to provide information for the following categories:

(a) At midyear (last weekday in the month of June), the number of inmates confined in jail facilities including; male and female adult and juvenile inmates; persons under age 18 held as adults; race categories; held for Federal authorities, State prison authorities and other local jail jurisdictions.

(b) At midyear, the number of convicted inmates that are unsentenced or sentenced and the number of unconvicted inmates awaiting trial/arraignment, or transfers/holds for other authorities.

(c) At midyear, the number of persons under jail supervision who were not U.S. citizens.

(d) Whether the jail facilities has a weekend incarceration program prior to midyear and the number of inmates participating.

(e) The number of new admissions into and final discharges from jail facilities during the last week in June.

(f) The date and count for the greatest number of confined inmates during the 30-day period in June.

(g) The average daily population of jail facilities from July 1 of the previous year to June 30 of the current collection year.

(h) Jail capacity, measured three ways: Rated capacity, operating capacity, and design capacity.

(i) At midyear, the number of persons under jail supervision but not confined (e.g., electronic monitoring, day reporting, etc.)

CJ–5D and CJ–5DA

These forms will be administered to the certainty jurisdictions in the ASJ sample; in addition to the information collected in the regular ASJ forms (the CJ–5/5A), the 374 respondents that are included with certainty in the ASJ sample survey will be asked to provide additional information on the flow of inmates going through jails and the distribution of time served, staff characteristics and assaults on staff resulting in death, and inmate misconduct. More specifically, these include:

(a) The distribution of time served by inmates discharged during the final week of June, broken out by whether the inmates were convicted or unconvicted.

(b) At midyear, the number of correctional officers and other staff employed by jail facilities;

(c) From July 1 of the previous year to June 30 of the current collection year: The number of inmate-inflicted physical assaults (and counts) on correctional officers and other staff and the number of staff deaths as a result.

(d) From July 1 of the previous year to June 30 of the current collection year: The number of inmates, by category, who were written up or found guilty of a rule violation.

CJ–5B

The Survey of Jails in Indian Country is collected from Indian country correctional facilities operated by tribal authorities or the Bureau of Indian Affairs (BIA) (currently there are 82) will be asked to provide information for the following categories:

(a) At midyear (last weekday in the month of June), the number of inmates confined in jail facilities including; male and female adult and juvenile inmates; persons under age 18 held as adults; convicted and unconvicted males and females; persons held for a felony, misdemeanor; their most serious offense (e.g., domestic violence offense, aggravated or simple assault, burglary, public intoxication, driving while intoxicated, etc.)

(b) The average daily population during the 30-day period in June;

(c) The date and count for the greatest number of confined inmates during the 30-day period in June;

(d) The number of new admissions into and final discharges during the month of June;

(e) From July 1 of the previous year to June 30 of the current collection year: The number of inmate deaths while confined and the number of deaths attributed to suicide and the number of confined inmates that attempted suicide;

(f) At midyear, the total rated capacity of jail facilities;

(g) At midyear, the number correctional staff employed by the facility and their occupation (e.g., administration, jail operations, educational staff, etc.);

(h) At midyear, how many jail operations employees had received the basic detention officer certification and how many had received 40 hours of in-service training;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: Six hundred and fifty-eight respondents each taking an average 75 minutes to respond for collection forms CJ–5 and CJ–5A, and CJ–5B. Three hundred and seventy-four respondents each taking 120 minutes to respond for collection forms CJ–5D and CJ–5DA.

(6) An estimate of the total public burden (in hours) associated with the collection: There are an estimated 1,571 total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 1407B, Washington, DC 20530.

Dated: March 12, 2013.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2013–06011 Filed 3–14–13; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1103—NEW]

Agency Information Collection Activities; Proposed New Collection; Comments Requested: Stress Resiliency Study Questionnaires for Milwaukee Police Department

ACTION: 30-Day notice.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) 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 was previously published in the **Federal Register** 78, Number 5, page 1250, on January 8, 2013, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until April 15, 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 Danielle Ouellette, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., 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:* Proposed new collection; comments requested.

(2) *Title of the Form/Collection:* Stress Resiliency Study Questionnaires for Milwaukee Police Department.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The Milwaukee Police Department (MPD) will be the affected public who is subject to this survey through a COPS cooperative agreement with the MPD. These surveys will be used to collect data on MPD officers' perceived stress, responses to stressful experiences, stress and its relationship to biometrics and related questionnaires.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 120 respondents annually will complete the form within .57 hours (34 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 68 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: March 12, 2013.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2013–06009 Filed 3–14–13; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

[OMB Number 1103—NEW]

Agency Information Collection Activities; Proposed New Collection; Comments Requested: COPS/''Not In Our Town'' Public Surveys

ACTION: 30-Day notice.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) 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 was previously published in the **Federal Register** 78, Number 8, page 2439, on January 11, 2013, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until April 15, 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 Danielle Ouellette, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., 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:* Proposed new collection; comments requested.

(2) *Title of the Form/Collection:* COPS/''Not In Our Town'' Public Surveys.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Law enforcement agencies and other public and private entities that view the ''Not In Our Town'' documentaries, webinars, and other media from the COPS' grantee, The Working Group, will be asked to voluntarily complete certain response surveys. These brief surveys are designed to elicit audience opinions and responses regarding topics discussed in the different media such as: Hate crimes, community relations for diversity, school collaborations with law enforcement, and community collaborations with law enforcement. These are one-time surveys that will be utilized by The Working Group to further improve the ''Not In Our Town'' documentaries and media for future production and to engage the audiences of law enforcement and the community to what topics are important to them.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that, at maximum, 1,690 respondents annually will complete the form within .167 hours (10 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 282 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: March 12, 2013.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2013–06008 Filed 3–14–13; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–NEW]

Agency Information Collection Activities; Proposed New Collection; Comments Requested: Enhancing Community Policing Through Community Mediation Surveys

ACTION: 30-Day Notice.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) 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 was previously published in the **Federal Register** 78, Number 4, page 961–962, on January 7, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until April 15, 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 Danielle Ouellette, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., 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:* Proposed new collection; comments requested.

(2) *Title of the Form/Collection:* Enhancing Community Policing Through Community Mediation Surveys.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected public who will be asked to respond are both law enforcement agencies and their civilian communities to gage both groups' satisfaction with a police-mediation referral program. The purpose of this project is to assess the effectiveness of mediation on police operations (cost, benefits, impact), the level of police and citizen satisfaction with mediation as a traditional police response alternative, and its role in advancing community policing. These surveys will be used to assess the level of police and citizen satisfaction with mediation as a traditional police response alternative.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 180 respondents annually will complete the form within .83 hours (50 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 150 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: March 12, 2013.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2013–06007 Filed 3–14–13; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[OMB Number 1117–0038]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Reporting and Recordkeeping for Digital Certificates

ACTION: 30-Day Notice.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA) 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. This proposed information collection was previously published in the **Federal Register,** Volume 78, Number 8, page 2442, on January 11, 2013, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until April 15, 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 the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. 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 agencies 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 Information Collection 1117–0038

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Reporting and recordkeeping for digital certificates.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:*

Form Number:

DEA Form 251: CSOS DEA Registrant Certificate Application.
DEA Form 252: CSOS Principal Coordinator/Alternate Coordinator Certificate Application.
DEA Form 253: CSOS Power of Attorney Certificate Application.
DEA Form 254: CSOS Certificate Application Registrant List Addendum.
CSOS Certificate Revocation.
Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Non-profit, State and local government.

Abstract: Persons use these forms to apply for DEA-issued digital certificates to order Schedule I and II controlled substances. Certificates must be renewed upon renewal of the DEA registration to which the certificate is linked. Certificates may be revoked and/or replaced when information on which the certificate is based changes.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

Total number of respondents: 45,450 per year and 136,351 for the three-year period.

Average time to respond: 0.58 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* It is estimated that there are 26,361 annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: March 12, 2013.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2013–06010 Filed 3–14–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Standard on 4,4′-Methylenedianiline in Construction

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Standard on 4,4′-Methylenedianiline in Construction,'' to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*).

DATES: Submit comments on or before April 15, 2013.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: The Standard on 4,4′-Methylenedianiline (MDA) in Construction protects workers from adverse health effects associated with occupational exposure to MDA in the construction industry. Employers

must monitor exposure, ensure worker exposures are within the permissible exposure limits, provide workers with medical examinations and training, and establish and maintain worker exposure-monitoring and medical records.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0183. The current approval is scheduled to expire on March 31, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on November 16, 2012 (77 FR 68849).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0183. The OMB is particularly interested in comments that:

- 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.

Agency: DOL–OSHA.

Title of Collection: Standard on 4,4′-Methylenedianiline in Construction.

OMB Control Number: 1218–0183.

Affected Public: Private Sector—businesses or other for profits.

Total Estimated Number of Respondents: 33.

Total Estimated Number of Responses: 2,631.

Total Estimated Annual Burden Hours: 1,029.

Total Estimated Annual Other Costs Burden: $68,478.

Dated: March 11, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–05966 Filed 3–14–13; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Personal Protective Equipment for Shipyard Employment

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Personal Protective Equipment for Shipyard Employment,'' to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

DATES: Submit comments on or before April 15, 2013.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: Regulations 29 CFR part 1915, subpart I requires employers to provide and to ensure that each affected employee uses the appropriate personal protective equipment (PPE) for the eyes, face, head, extremities, torso, and respiratory system whenever workers are exposed to hazards that require the use of PPE. Such equipment includes protective clothing, protective shields, protective barriers, life-saving equipment, personal fall arrest systems, and positioning device systems that meet the applicable provisions of the subpart. This ICR covers hazard assessment and verification records and record disclosure during inspections.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0215. The current approval is scheduled to expire on March 31, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on December 5, 2012 (77 FR 72411).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1208–0215. The OMB is particularly interested in comments that:

- 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.

Agency: DOL–OSHA.

Title of Collection: Personal Protective Equipment for Shipyard Employment.

OMB Control Number: 1218–0215.

Affected Public: Private Sector—businesses or other for profits.

Total Estimated Number of Respondents: 635.

Total Estimated Number of Responses: 635.

Total Estimated Annual Burden Hours: 52.

Total Estimated Annual Other Costs Burden: $0.

Dated: March 8, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–05960 Filed 3–14–13; 8:45 am]

BILLING CODE 4510–26–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30420; File No. 812–14092]

AIP Series Trust and Morgan Stanley AIP GP LP; Notice of Application

March 11, 2013.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 12(d)(1)(A) and (B) of the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act, and under section 6(c) of the Act for an exemption from rule 12d1–2(a) under the Act.

SUMMARY OF THE APPLICATION: The requested order would (a) permit certain registered open-end management investment companies that operate as ''funds of funds'' to acquire shares of certain registered open-end management investment companies and unit investment trusts (''UITs'') that are within and outside the same group of investment companies as the acquiring investment companies, and (b) permit funds of funds relying on rule 12d1–2 under the Act to invest in certain financial instruments.

APPLICANTS: AIP Series Trust (the ''Trust'') and Morgan Stanley AIP GP LP (the ''Adviser'').

DATES: *Filing Dates:* The application was filed on November 7, 2012, and amended on February 22, 2013.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 5, 2013, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants, c/o Stefanie V. Chang Yu, Morgan Stanley Investment Management Inc., 522 Fifth Avenue, New York, NY 10036.

FOR FURTHER INFORMATION CONTACT: Marilyn Mann, Special Counsel, at (202) 551–6813 or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is an open-end management investment company registered under the Act and organized as a Delaware statutory trust. The Trust is currently comprised of one series (the ''Initial Fund'').[1] The Adviser, a Delaware limited partnership and a wholly-owned subsidiary of Morgan Stanley, is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act'') and serves as investment adviser for the Initial Fund.

2. Applicants request an order to permit (a) a Fund that operates as a ''fund of funds'' (each, a ''Fund of Funds'') to acquire shares of (i) registered open-end management investment companies that are not part of the same ''group of investment companies,'' within the meaning of section 12(d)(1)(G)(ii) of the Act, as the Fund of Funds (''Unaffiliated Investment Companies'') and UITs that are not part of the same group of investment companies as the Fund of Funds (''Unaffiliated Trusts,'' and together with the Unaffiliated Investment Companies, ''Unaffiliated Funds'') or (ii) registered open-end management companies or UITs that are part of the same group of investment companies as the Fund of Funds (collectively, ''Affiliated Funds,'' and together with the Unaffiliated Funds, ''Underlying Funds'')[2] and (b) each Underlying Fund that is a registered open-end management investment company or series thereof, any principal underwriter for the Underlying Fund, and any broker or dealer registered under the Securities Exchange Act of 1934 (''Broker''), to sell shares of the Underlying Fund to the Fund of Funds.[3] Applicants also request an order under sections 6(c) and 17(b) of the Act to exempt applicants from section 17(a) to the extent necessary to permit Underlying Funds to sell their shares to Funds of Funds and redeem their shares from Funds of Funds.

3. Applicants also request an exemption under section 6(c) from rule 12d1–2 under the Act to permit any existing or future Fund that relies on section 12(d)(1)(G) of the Act (''Same Group Investing Fund'') and that otherwise complies with rule 12d1–2 to

[1] Applicants request that the relief apply to each existing and future series of the Trust and to each existing and future registered open-end management investment company or series thereof (each a ''Fund'' and collectively, ''Funds'') that is advised by the Adviser or any entity controlling, controlled by or under common control with the Adviser and which is part of the same group of investment companies (as defined in section 12(d)(1)(G)(ii) of the Act) as the Trust.

[2] Certain of the Unaffiliated Funds may be registered under the Act as either UITs or open-end management investment companies and have received exemptive relief to permit their shares to be listed and traded on a national securities exchange at negotiated prices (''ETFs'').

[3] All entities that currently intend to rely on the requested order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application.

also invest, to the extent consistent with its investment objective, policies, strategies and limitations, in financial instruments that may not be securities within the meaning of section 2(a)(36) of the Act (''Other Investments'').

Applicants' Legal Analysis

Investments in Underlying Funds

A. Section 12(d)(1)

1. Section 12(d)(1)(A) of the Act, in relevant part, prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, and any Broker from selling the investment company's shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's total outstanding voting stock, or if the sale will cause more than 10% of the acquired company's total outstanding voting stock to be owned by investment companies generally.

2. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Applicants seek an exemption under section 12(d)(1)(J) of the Act to permit a Fund of Funds to acquire shares of the Underlying Funds in excess of the limits in section 12(d)(1)(A), and an Underlying Fund that is a registered open-end management investment company, any principal underwriter for the Underlying Fund, and any Broker, to sell shares of the Underlying Fund to a Fund of Funds in excess of the limits in section 12(d)(1)(B) of the Act.

3. Applicants state that the terms and conditions of the proposed arrangement will not give rise to the policy concerns underlying sections 12(d)(1)(A) and (B), which include concerns about undue influence by a fund of funds over underlying funds, excessive layering of fees, and overly complex fund structures. Accordingly, applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

4. Applicants believe that the proposed arrangement will not result in the exercise of undue influence by a Fund of Funds or a Fund of Funds Affiliate over the Unaffiliated Funds.[4] To limit the control that a Fund of Funds may have over an Unaffiliated Fund, applicants propose a condition prohibiting the Adviser, any person controlling, controlled by, or under common control with the Adviser, and any investment company or issuer that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Adviser or any person controlling, controlled by, or under common control with the Adviser (the ''Advisory Group'') from controlling (individually or in the aggregate) an Unaffiliated Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any other investment adviser within the meaning of section 2(a)(20)(B) of the Act to a Fund of Funds (''Subadviser''), any person controlling, controlled by or under common control with the Subadviser, and any investment company or issuer that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Subadviser or any person controlling, controlled by or under common control with the Subadviser (the ''Subadvisory Group''). Applicants propose other conditions to limit the potential for undue influence over the Unaffiliated Funds, including that no Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to an Unaffiliated Investment Company or sponsor to an Unaffiliated Trust) will cause an Unaffiliated Fund to purchase a security in an offering of securities during the existence of any underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, trustee, advisory board member, investment adviser, Subadviser, or employee of the Fund of Funds, or a person of which any such officer, director, trustee, member of an advisory board, investment adviser, Subadviser, or employee is an affiliated person. An Underwriting Affiliate does not include any person whose relationship to an Unaffiliated Fund is covered by section 10(f) of the Act.

5. To further assure that an Unaffiliated Investment Company understands the implications of an investment by a Fund of Funds under the requested order, prior to a Fund of Funds' investment in the shares of an Unaffiliated Investment Company in excess of the limit in section 12(d)(1)(A)(i) of the Act, the Fund of Funds and the Unaffiliated Investment Company will execute an agreement stating, without limitation, that their boards of trustees (''Boards'') and their investment advisers understand the terms and conditions of the order and agree to fulfill their responsibilities under the order (''Participation Agreement''). Applicants note that an Unaffiliated Investment Company (other than an ETF whose shares are purchased by a Fund of Funds in the secondary market) will retain its right at all times to reject any investment by a Fund of Funds.[5]

6. Applicants state that they do not believe that the proposed arrangement will involve excessive layering of fees. The Board of each Fund of Funds, including a majority of the trustees who are not ''interested persons'' (within the meaning of section 2(a)(19) of the Act) (''Independent Trustees''), will find that the advisory fees charged under investment advisory or management contract(s) are based on services provided that will be in addition to, rather than duplicative of, the services provided under such advisory contract(s) of any Underlying Fund in which the Fund of Funds may invest. In addition, the Adviser will waive fees otherwise payable to it by the Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by an Unaffiliated Investment Company under rule 12b-1 under the Act) received from an Unaffiliated Fund by the Adviser or an affiliated person of the Adviser, other than any advisory fees paid to the Adviser or its affiliated person by an Unaffiliated Investment Company, in connection with the investment by the Fund of Funds in the Unaffiliated Fund. Any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to a fund of funds as set forth

[4] A ''Fund of Funds Affiliate'' is the Adviser, any Subadviser (as defined below), promoter or principal underwriter of a Fund of Funds, as well as any person controlling, controlled by, or under common control with any of those entities. An ''Unaffiliated Fund Affiliate'' is an investment adviser, sponsor, promoter, or principal underwriter of an Unaffiliated Fund, as well as any person controlling, controlled by, or under common control with any of those entities.

[5] An Unaffiliated Investment Company, including an ETF, would retain its right to reject any initial investment by a Fund of Funds in excess of the limit in section 12(d)(1)(A)(i) of the Act by declining to execute the Participation Agreement with the Fund of Funds.

in Rule 2830 of the Conduct Rules of the NASD (''NASD Conduct Rule 2830'').[6]

7. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that no Underlying Fund will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except in certain circumstances identified in condition 11 below.

B. Section 17(a)

1. Section 17(a) of the Act generally prohibits sales or purchases of securities between a registered investment company and any affiliated person of the company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include (a) any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the other person; (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by the other person; and (c) any person directly or indirectly controlling, controlled by, or under common control with the other person.

2. Applicants state that a Fund of Funds and the Affiliated Funds might be deemed to be under common control of the Adviser and therefore affiliated persons of one another. Applicants also state that a Fund of Funds and the Unaffiliated Funds might be deemed to be affiliated persons of one another if the Fund of Funds acquires 5% or more of an Unaffiliated Fund's outstanding voting securities. In light of these and other possible affiliations, section 17(a) could prevent an Underlying Fund from selling shares to and redeeming shares from a Fund of Funds.

3. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act or rule under the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. Applicants submit that the proposed transactions satisfy the standards for relief under sections 17(b) and 6(c) of the Act.[7] Applicants state that the terms of the transactions are reasonable and fair and do not involve overreaching. Applicants state that the terms upon which an Underlying Fund will sell its shares to or purchase its shares from a Fund of Funds will be based on the net asset value of the Underlying Fund.[8] Applicants state that the proposed transactions will be consistent with the policies of each Fund of Funds and each Underlying Fund and with the general purposes of the Act.

Other Investments by Same Group Investing Funds

1. Section 12(d)(1)(G) of the Act provides that section 12(d)(1) will not apply to securities of an acquired company purchased by an acquiring company if: (i) The acquiring company and acquired company are part of the same group of investment companies; (ii) the acquiring company holds only securities of acquired companies that are part of the same group of investment companies, government securities, and short-term paper; (iii) the aggregate sales loads and distribution-related fees of the acquiring company and the acquired company are not excessive under rules adopted pursuant to section 22(b) or section 22(c) of the Act by a securities association registered under section 15A of the Exchange Act of 1934 (''Exchange Act'') or by the Commission; and (iv) the acquired company has a policy that prohibits it from acquiring securities of registered open-end management investment companies or registered unit investment trusts in reliance on section 12(d)(1)(F) or (G) of the Act.

2. Rule 12d1–2 under the Act permits a registered open-end investment company or a registered UIT that relies on section 12(d)(1)(G) of the Act to acquire, in addition to securities issued by another registered investment company in the same group of investment companies, government securities, and short-term paper: (1) Securities issued by an investment company that is not in the same group of investment companies, when the acquisition is in reliance on section 12(d)(1)(A) or 12(d)(1)(F) of the Act; (2) securities (other than securities issued by an investment company); and (3) securities issued by a money market fund, when the investment is in reliance on rule 12d1–1 under the Act. For the purposes of rule 12d1–2, ''securities'' means any security as defined in section 2(a)(36) of the Act.

3. Applicants state that the proposed arrangement would comply with the provisions of rule 12d1–2 under the Act, but for the fact that a Same Group Investing Fund may invest a portion of its assets in Other Investments. Applicants request an order under section 6(c) of the Act for an exemption from rule 12d1–2(a) to allow the Same Group Investing Funds to invest in Other Investments. Applicants assert that permitting Same Group Investing Funds to invest in Other Investments as described in the application would not raise any of the concerns that the requirements of section 12(d)(1) were designed to address.

4. Consistent with its fiduciary obligations under the Act, the Board of each Same Group Investing Fund will review the advisory fees charged by the Same Group Investing Fund's investment adviser to ensure that they are based on services provided that are in addition to, rather than duplicative of, services provided pursuant to the advisory agreement of any investment company in which the Same Group Investing Fund may invest.

Applicants' Conditions

Investments by Funds of Funds in Underlying Funds

Applicants agree that the relief to permit Funds of Funds to invest in Underlying Funds shall be subject to the following conditions:

1. The members of an Advisory Group will not control (individually or in the aggregate) an Unaffiliated Fund within the meaning of section 2(a)(9) of the Act. The members of a Subadvisory Group

[6] Any references to NASD Conduct Rule 2830 include any successor or replacement FINRA rule to NASD Conduct Rule 2830.

[7] Applicants acknowledge that receipt of any compensation by (a) an affiliated person of a Fund of Funds, or an affiliated person of such person, for the purchase by a Fund of Funds of shares of an Underlying Fund or (b) an affiliated person of an Underlying Fund, or an affiliated person of such person, for the sale by the Underlying Fund of its shares to a Fund of Funds may be prohibited by section 17(e)(1) of the Act. The Participation Agreement also will include this acknowledgement.

[8] To the extent purchases and sales of shares of an ETF occur in the secondary market (and not through principal transactions directly between a Fund of Funds and an ETF), relief from section 17(a) would not be necessary. The requested relief is intended to cover, however, transactions directly between an ETF and a Fund of Funds. Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where an ETF could be deemed an affiliated person, or an affiliated person of an affiliated person, of a Fund of Funds, because an investment adviser to the ETF, or an entity controlling, controlled by, or under common control with the investment adviser to the ETF, is also an investment adviser to the Fund of Funds.

will not control (individually or in the aggregate) an Unaffiliated Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of an Unaffiliated Fund, the Advisory Group or a Subadvisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of the Unaffiliated Fund, then the Advisory Group or the Subadvisory Group will vote its shares of the Unaffiliated Fund in the same proportion as the vote of all other holders of the Unaffiliated Fund's shares. This condition will not apply to a Subadvisory Group with respect to an Unaffiliated Fund for which the Subadviser or a person controlling, controlled by, or under common control with the Subadviser acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act (in the case of an Unaffiliated Investment Company) or as the sponsor (in the case of an Unaffiliated Trust).

2. No Fund of Funds or Fund of Funds Affiliate will cause any existing or potential investment by the Fund of Funds in shares of an Unaffiliated Fund to influence the terms of any services or transactions between the Fund of Funds or a Fund of Funds Affiliate and the Unaffiliated Fund or an Unaffiliated Fund Affiliate.

3. The Board of each Fund of Funds, including a majority of the Independent Trustees, will adopt procedures reasonably designed to assure that its Adviser and any Subadviser(s) to the Fund of Funds are conducting the investment program of the Fund of Funds without taking into account any consideration received by the Fund of Funds or Fund of Funds Affiliate from an Unaffiliated Fund or an Unaffiliated Fund Affiliate in connection with any services or transactions.

4. Once an investment by a Fund of Funds in the securities of an Unaffiliated Investment Company exceeds the limit of section 12(d)(1)(A)(i) of the Act, the Board of the Unaffiliated Investment Company, including a majority of the Independent Trustees, will determine that any consideration paid by the Unaffiliated Investment Company to a Fund of Funds or a Fund of Funds Affiliate in connection with any services or transactions: (a) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Unaffiliated Investment Company; (b) is within the range of consideration that the Unaffiliated Investment Company would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (c) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between an Unaffiliated Investment Company and its investment adviser(s) or any person controlling, controlled by, or under common control with such investment adviser(s).

5. No Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to an Unaffiliated Investment Company or sponsor to an Unaffiliated Trust) will cause an Unaffiliated Fund to purchase a security in any Affiliated Underwriting.

6. The Board of an Unaffiliated Investment Company, including a majority of the Independent Trustees, will adopt procedures reasonably designed to monitor any purchases of securities by the Unaffiliated Investment Company in an Affiliated Underwriting once an investment by a Fund of Funds in the securities of the Unaffiliated Investment Company exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board of the Unaffiliated Investment Company will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Fund of Funds in the Unaffiliated Investment Company. The Board of the Unaffiliated Investment Company will consider, among other things, (a) whether the purchases were consistent with the investment objectives and policies of the Unaffiliated Investment Company; (b) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (c) whether the amount of securities purchased by the Unaffiliated Investment Company in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board of the Unaffiliated Investment Company will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to assure that purchases of securities in Affiliated Underwritings are in the best interests of shareholders.

7. Each Unaffiliated Investment Company shall maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and shall maintain and preserve for a period not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in an Affiliated Underwriting once an investment by a Fund of Funds in the securities of an Unaffiliated Investment Company exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth the: (a) Party from whom the securities were acquired, (b) identity of the underwriting syndicate's members, (c) terms of the purchase, and (d) information or materials upon which the determinations of the Board of the Unaffiliated Investment Company were made.

8. Prior to its investment in shares of an Unaffiliated Investment Company in excess of the limit in section 12(d)(1)(A)(i) of the Act, the Fund of Funds and the Unaffiliated Investment Company will execute a Participation Agreement stating, without limitation, that their Boards and their investment advisers understand the terms and conditions of the order and agree to fulfill their responsibilities under the order. At the time of its investment in shares of an Unaffiliated Investment Company in excess of the limit in section 12(d)(1)(A)(i), a Fund of Funds will notify the Unaffiliated Investment Company of the investment. At such time, the Fund of Funds will also transmit to the Unaffiliated Investment Company a list of the names of each Fund of Funds Affiliate and Underwriting Affiliate. The Fund of Funds will notify the Unaffiliated Investment Company of any changes to the list of the names as soon as reasonably practicable after a change occurs. The Unaffiliated Investment Company and the Fund of Funds will maintain and preserve a copy of the order, the Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

9. Before approving any advisory contract under section 15 of the Act, the Board of each Fund of Funds, including a majority of the Independent Trustees, shall find that the advisory fees charged under such advisory contract are based on services provided that are in addition to, rather than duplicative of, services provided under the advisory contract(s) of any Underlying Fund in which the Fund of Funds may invest. Such finding

and the basis upon which the finding was made will be recorded fully in the minute books of the appropriate Fund of Funds.

10. The Adviser will waive fees otherwise payable to it by a Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by an Unaffiliated Investment Company under rule 12b–1 under the Act) received from an Unaffiliated Fund by the Adviser, or an affiliated person of the Adviser, other than any advisory fees paid to the Adviser or its affiliated person by an Unaffiliated Investment Company, in connection with the investment by the Fund of Funds in the Unaffiliated Fund. Any Subadviser will waive fees otherwise payable to the Subadviser, directly or indirectly, by the Fund of Funds in an amount at least equal to any compensation received by the Subadviser, or an affiliated person of the Subadviser, from an Unaffiliated Fund, other than any advisory fees paid to the Subadviser or its affiliated person by an Unaffiliated Investment Company, in connection with the investment by the Fund of Funds in the Unaffiliated Fund made at the direction of the Subadviser. In the event that the Subadviser waives fees, the benefit of the waiver will be passed through to the Fund of Funds.

11. No Underlying Fund will acquire securities of any other investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent that such Underlying Fund: (a) Receives securities of another investment company as a dividend or as a result of a plan of reorganization of a company (other than a plan devised for the purpose of evading section 12(d)(1) of the Act); or (b) acquires (or is deemed to have acquired) securities of another investment company pursuant to exemptive relief from the Commission permitting such Underlying Fund to (i) acquire securities of one or more investment companies for short-term cash management purposes, or (ii) engage in interfund borrowing and lending transactions.

12. Any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to a fund of funds set forth in NASD Conduct Rule 2830.

Other Investments by Same Group Investing Funds

Applicants agree that the relief to permit Same Group Investing Funds to invest in Other Investments shall be subject to the following condition:

13. Applicants will comply with all provisions of rule 12d1–2 under the Act, except for paragraph (a)(2) to the extent that it restricts any Same Group Investing Fund from investing in Other Investments as described in the application.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–05982 Filed 3–14–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69098; File No. SR–NYSEMKT–2013–21]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 13—Equities To Add Two Self-Trade Prevention Modifiers That May Be Used by Certain Market Participants

March 11, 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 February 26, 2013, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') 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 Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 13—Equities to add two self-trade prevention (''STP'') modifiers that may be used by certain market participants. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, 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 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 those 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 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 Rule 13—Equities to add two STP modifiers that may be used by certain market participants. The proposed STP modifiers are designed to prevent two orders from the same market participant identifier (''MPID'') assigned to a member organization from executing against each other. Use of the STP modifiers is optional and would not be automatically implemented by the Exchange. Rather, a member organization can choose to add a STP modifier on eligible orders. The STP modifier on the incoming order would determine the interaction between two orders marked with STP modifiers and whether the incoming or the resting order would cancel. Both the buy and the sell order would have to include an STP modifier in order to prevent a trade from occurring and to effect a cancel instruction. The Exchange notes that an incoming order with an STP modifier will execute against all available opposite-side interest in Exchange systems, displayed or non-displayed, pursuant to Rule 72—Equities, and will be evaluated for cancellation by Exchange systems only to the extent that it would execute against opposite-side interest with an STP modifier with the same MPID.

The Exchange proposes to add two types of STP modifiers, STP Cancel Newest (''STPN'') and STP Cancel Oldest (''STPO''), as discussed in detail below. As proposed, the STP modifiers would be available for limit orders sent to the matching engine by off-Floor participants, except limit orders marked GTC or MTS–IOC.[3] Market orders, stop orders, GTCs and MTS–IOC, and orders sent to Floor brokers from off Floor participants with STP modifiers will be rejected.[4] In addition, because of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The STP modifiers would be available for orders entered in either an agency or principal capacity, though the Exchange anticipates that the STP modifiers would be used primarily by member organizations trading on a proprietary basis as a tool to prevent potential inadvertent ''wash sales.''

[4] The Exchange notes that it intends to expand availability of STP modifiers to a wider range of

manual nature of opening, reopening, and closing single-priced auctions, STP modifiers would not be active during these transactions. The Exchange will not reject orders with STP modifiers sent specifically for execution on the opening or closing auction,[5] but such modifiers will be ignored. Moreover, limit orders accepted prior to the opening or during the trading day with valid STP modifiers could be executed during a single-priced auction transaction irrespective of such modifiers. The STP modifiers will not be active for Retail Price Improvement Orders (''RPI'') and will also be ignored. Specifically, STP modifiers will not be active for Type 1 designated Retail Orders in all situations and will be ignored. In addition, STP modifiers will not be active for Type 2 and Type 3 designated Retail Orders when they first interact with contra-side RPIs, however once they enter the Exchange's system to be executed as an Immediate or Cancel Order—normal processing of the STP modifier will occur. Finally, since Exchange systems currently monitor to ensure that DMM interest, which is all proprietary, does not trade with itself—STP modifiers will not be made available for DMM interest.

Proposed STPN Modifier

As proposed, an incoming order marked with the STPN modifier would not execute against opposite-side resting interest marked with either an STPN or STPO modifier with the same MPID.[6] Such incoming order marked with the STPN modifier would be cancelled back to the originating member organization. The resting order marked with one of the STP modifiers, which otherwise would have interacted with the incoming order, would remain in Exchange systems. After executing with any non-STP opposite-side interest, Exchange systems would cancel the remaining balance of the incoming STPN order that would execute against the opposite-side resting order with the same MPID with an STP modifier. If an STPN could execute at multiple price points, the incoming STPN would execute at the multiple prices until it reaches a price point where there is resting opposite-side STP interest. At the price point where there is opposite-side STP interest, the incoming STPN order would execute against any available non-STP interest, displayed or undisplayed, and the balance, if any, of the incoming STPN order would cancel.

For purposes of these examples, assume that the orders are always with the same MPID and that the Exchange best bid and offer is $22.00–$22.03.

STPN Example 1: An STPO order to buy 500 shares at $22.00 is resting interest in Exchange systems. Subsequently, an STPN order to sell 500 shares at $22.00 is entered into Exchange systems.

STPN Result 1: The incoming STPN sell order for 500 shares at $22.00 would cancel back to the originating member organization. The resting STPO buy order for 500 shares at $22.00 would remain in Exchange systems.

STPN Example 2: Exchange systems have the following resting interest: A Non-Displayed Reserve Order[7] to buy 100 shares at $22.01 (B1), an STPN order to buy 100 shares at $22.00 (B2) with priority at the quote, an order to buy 200 shares at $22.00 (B3), a non-displayed reserve eQuote to buy 200 shares (B4), for a total of 500 shares (300 quoted, 200 in reserve) to buy at $22.00. Subsequently, an incoming STPN order to sell 700 shares at $22.00 is entered (S).

STPN Result 2: S would execute against B1 for 100 shares at $22.01, leaving 600 shares of S. Although B2 has priority at the bid, it would be bypassed because it has an STP modifier with the same MPID. S would then execute against B3 for 200 shares at $22.00, leaving 400 shares of S. S would then execute against B4 for 200 shares at $22.00. Because the remaining 200 shares of S has an STP modifier from a matching MPID of B2's 100 shares, those remaining 200 shares of S would be cancelled back to the originating member organization. B2 for 100 shares at $22.00 would not execute and would remain on Exchange systems.

Proposed STPO Modifier

As proposed, an incoming order marked with the STPO modifier would not execute against opposite-side resting interest marked with either an STPN or STPO modifier with the same MPID. Such resting order marked with either of the STP modifiers, which otherwise would have interacted with the incoming order, would be cancelled back to the originating member organization. The incoming order marked with the STPO modifier would remain on Exchange systems. Exchange systems would cancel all opposite-side resting interest with the same MPID having an STP modifier at each price point that the incoming STPO order is eligible to execute. If the incoming STPO order is an immediate or cancel (''IOC'') order, and if there is any unfilled balance of the incoming STPO IOC, both the resting STP interest and the remainder of the STPO IOC at that price point would cancel.

For purposes of these examples, assume that the orders are always contain the same MPID and that the Exchange best bid and offer is $22.00–$22.03.

STPO Example 1: An STPO order to buy 500 shares at $22.00 is resting interest in Exchange systems. Subsequently, an STPO order to sell 500 shares at $22.00 is entered into Exchange systems.

STPO Result 1: The resting STPO buy order for 500 shares at $22.00 would cancel back to the originating member organization. The incoming STPO sell order for 500 shares at $22.00 would be entered in Exchange systems.

STPO Example 2: Exchange systems have the following resting interest: A Non-Display Reserve Order to buy 100 shares at $22.02 (B1); a Non-Display Reserve Order to buy 100 shares at $22.01 (B2) and a Non-Display Reserve Order STPN order to buy 100 shares at $22.01(B3), for a total of 200 shares to buy at $22.01; an STPN order to buy 500 shares at $22.00 (B4) and an order to buy 200 shares at $22.00 (B5), for a total of 700 shares to buy at $22.00. Subsequently, an STPO order to sell 500 shares at $22.00 is entered into Exchange systems (S).

STPO Result 2: S would execute against B1 for 100 shares at $22.02, leaving 400 shares of S. S would then execute against B2 for 100 shares at $22.01, leaving 300 shares of S. At $22.01, because it has an STP modifier from a matching MPID, B3 would cancel back to the originating member organization. S would next execute against B5, leaving 100 shares of the STPO sell order. Because the remaining 100 shares of the S has an STP modifier from a matching MPID of B4, the entire 500 shares of B4 would be cancelled back to the originating member organization. The 100 unexecuted shares of the incoming S would be entered in Exchange systems as resting interest.

STPO Example 3: Assume the same trading scenario as STPO Example 2, except that the incoming S order to sell 500 shares at $22.00 is also an IOC order.

STPO Result 3: The same executions and cancellations as in STPO Result 2 would occur. After executing against B5, the remaining balance of S would cancel because there is no more opposite-side non-STP interest. Accordingly, at the $22.00 price point, both the entire amount of B4 and the remaining balance of S (100 shares) would cancel.

Because of the technology changes associated with this rule proposal, the Exchange will announce the implementation date of the STP modifiers in a Trader Update to be published no later than 90 days after the publication of the notice in the **Federal Register**. The implementation date will be no later than 90 days following publication of the Trader Update

order types. The Exchange will file a subsequent 19b–4 rule filing at that time.

[5] *I.e.,* Market on Open, Limit on Open, Market on Close, Limit on Close and Closing Only orders.

[6] Incoming order refers to: (1) Orders that have arrived at the Exchange, including those orders that have been routed to an away market and returned to the Exchange unexecuted, and (2) orders that are repriced because of tick sensitive instructions, or the operation of Limit Up/Limit Down price bands or Short Sale Restrictions.

[7] A Non-Displayed Reserve Order is a limit order that is not displayed, but remains available for potential execution against all incoming automatically executing orders until executed in full or cancelled. *See* NYSE MKT Rule 13—Equities.

announcing publication of the notice in the **Federal Register**.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) [8] of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5) [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 foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes that adding STP functionality would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would allow firms to better manage order flow and prevent unintended executions with themselves or the potential for ''wash sales'' that may occur as a result of the velocity of trading in today's high-speed marketplace. Commonly, member organizations have multiple connections into the Exchange due to capacity and speed-related demands. Orders routed by member organizations via different connections may, in certain circumstances, inadvertently trade against each other. The new STP modifiers would provide member organizations with the opportunity to prevent these unintended trades from occurring. The Exchange notes that the STP modifiers would not alleviate, or otherwise exempt, broker-dealers from their best execution obligations.

At this time, the Exchange proposes to offer the STP modifiers for orders entered by off-Floor participants only. The Exchange believes that the proposal to not make available STP modifiers to DMM interest is consistent with just and equitable principles of trade and not unfairly discriminatory because there is no need for the STP modifier for DMM interest in that Exchange systems already monitor to ensure that DMM interest, which is all proprietary, does not trade with itself. In addition, the Exchange notes that the technology supporting the proposed STP modifiers is not currently compatible with the Floor broker systems, but is actively working to develop the technology to extend STP modifiers to Floor brokers. The Exchange does not believe it should delay the deployment of the STP modifiers for other market participants while it performs the technical modifications required for the use of STP modifiers for Floor brokers.

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 Exchange believes that the proposal will would provide member organizations with the opportunity to prevent unintended self-trades from occurring. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues who offer similar functionality. Many competing venues offer similar functionality to market participants. To this end, the Exchange is proposing a market enhancement to provide greater protections from inadvertent executions, and encourage market participants to trade on the Exchange. The Exchange believes the proposed rule change is pro-competitive because it would enable the Exchange to provide member organizations with functionality that is similar to that of other exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule 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 if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given 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 proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11]

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–NYSEMKT–2013–21 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–NYSEMKT–2013–21. 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.,

[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). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of 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.

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–NYSEMKT–2013–21 and should be submitted on or before April 5, 2013

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary .

[FR Doc. 2013–05986 Filed 3–14–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69103; File No. SR–NYSE–2013–20]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 107C To Clarify That a Retail Member Organization May Submit Retail Orders to the Retail Liquidity Program in a Riskless Principal Capacity as Well as in an Agency Capacity

March 11, 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 March 1, 2013, New York Stock Exchange LLC (''NYSE'' 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 Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 107C to clarify that a Retail Member Organization (''RMO'') may submit Retail Orders to the Retail Liquidity Program (the ''Program'') in a riskless principal capacity as well as in an agency capacity, provided that (i) the entry of such riskless principal orders meets the requirements of FINRA Rule 5320.03, including that the RMO maintains supervisory systems to reconstruct, in a time-sequenced manner, all Retail Orders that are entered on a riskless principal basis; and (ii) the RMO does not include non-retail orders together with the Retail Orders as part of the riskless principal transaction. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, 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 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 those 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 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 is proposing an amendment to Rule 107C to clarify that an RMO may submit Retail Orders to the Program in a riskless principal capacity as well as in an agency capacity, provided that (i) the entry of such riskless principal orders meets the requirements of FINRA Rule 5320.03, including that the RMO maintains supervisory systems to reconstruct, in a time-sequenced manner, all Retail Orders that are entered on a riskless principal basis; and (ii) the RMO does not include non-retail orders together with the Retail Orders as part of the riskless principal transaction.[3] Under current Rule 107C (a)(3), a ''Retail Order'' is defined as ''an agency order that originates from a natural person and is submitted to the Exchange by [an RMO] provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or other computerized methodology.''

The Exchange believes that, for purposes of determining whether an order should qualify as a Retail Order, there is no difference between a riskless principal order that meets the requirements of FINRA Rule 5320.03 and an agency order. A riskless principal transaction is a transaction in which a member, after having received an order to buy (sell) a security, purchases (sells) the security as principal and, contemporaneously, satisfies the original order by selling (buying) as principal at the same price. Generally, a riskless principal transaction involves two orders, the execution of one being dependent upon the receipt or execution of the other; thus, there is no ''risk'' in the interdependent transactions when completed. Unlike a riskless principal transaction, an agency order is entered directly in exchange systems on behalf of a customer. Ultimately, however, the results of a riskless principal transaction and an agency order are the same: the customer receives an execution while the involved member acts as an intermediary to effect the transaction.[4]

A riskless principal transaction under the Program would occur as follows. Assume an RMO receives a market order to sell 100 shares at $10.01 of ABC from a retail customer. The RMO then enters a Retail Order into the Program to sell at $10.01 under the Program, and that order receives a price-improved execution under the Program at $10.012. When that execution occurs, the RMO contemporaneously executes the order with the retail customer for the same price ($10.012) that it received within the program, exclusive of any markup or markdown, commission equivalent, or other fee. Thus, the retail customer would receive the same benefit from the Program that it would have if the Retail Order had been entered on an agency basis. Therefore, there is no functional distinction for purposes of the Program between an order entered by an RMO on an agency basis and one entered on a riskless principal basis, and including riskless principal orders improves the ability of RMOs to offer the possibility of price improvement to their customers.

The Exchange believes that the requirement that the entry of such

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[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Recently, the Exchange proposed to amend the attestation requirement of Rule 107C to allow an RMO to attest that ''substantially all'' orders submitted to the Program will qualify as ''Retail Orders.'' *See* Exchange Act Release No. 68747 (Jan. 28, 2013), 78 FR 7824 (Feb. 4, 2013). Riskless principal transactions permitted by this amendment would be considered ''Retail Orders'' for purposes of the attestation requirement.

[4] A principal transaction differs from both a riskless principal transaction and an agency order in that it is an order for the principal account of the entering member.

riskless principal orders satisfy FINRA Rule 5320.03 provides sufficient protection against RMOs submitting orders for their own account to the Program. An RMO entering a riskless principal transaction will have to, contemporaneously with the execution of the customer's order, submit a report identifying the trade as riskless principal to FINRA. Additionally, the RMO will need to have written policies and procedures to ensure that riskless principal transactions comply with applicable FINRA rules. The policies and procedures, at a minimum, must require that the customer order be received prior to the offsetting principal transaction, and that the offsetting principal transaction is at the same price as the customer order exclusive of any markup or markdown, commission equivalent, or other fee, and is allocated to a riskless principal or customer account in a consistent manner and within 60 seconds of execution. Additionally, the RMO must have supervisory systems in place that produce records that enable the RMO and FINRA to reconstruct accurately, readily, and in a time-sequenced manner all Retail Orders that are entered on a riskless principal basis. The RMO must also ensure that non-Retail Orders are not included with the Retail Orders as part of a riskless principal transaction. The above requirements ensure that despite the procedural differences between the execution of a riskless principal transaction and an agency order, the *only* difference will be the procedure in which the transactions are effected and not the result.

The Exchange further believes that clarifying that riskless principal orders that meet the requirements of FINRA Rule 5320.03 are able to participate in the Program on the same basis as agency orders will enable more retail customers to benefit from the enhanced price competition and transparency of the Program.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[5] in general, and furthers the objectives of Section 6(b)(5),[6] in particular, in that it is designed 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 Exchange believes that the proposed rule change promotes just and equitable principles of trade because it will ensure that riskless principal orders that meet the requirements of FINRA Rule 5320.03 will have the same opportunity to participate in the Program as agency orders. As discussed above, there is no functional distinction for purposes of the Program between an order entered by an RMO on an agency basis and one entered on a riskless principal basis. The Exchange believes that the proposed change would tend to reduce any potential discrimination between similarly situated customers or brokers by ensuring that the ability of retail customers to benefit from the Program does not depend on a distinction in capacity that is not meaningful for purposes of the Program. As a result of the change, a retail customer will be able to benefit from the price improvement offered by the Program without regards to whether the RMO enters the order on a riskless principal or agency basis.

The Exchange believes that the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system because it will clarify that riskless principal orders that meet the requirements of FINRA Rule 5320.03 are eligible to participate in the Program on the same basis as agency orders. By allowing all orders that are functionally equivalent to agency orders to participate in the Program, the proposed change would potentially stimulate further price competition for retail orders.

Finally, the Exchange believes that the proposed change would protect investors and public interest by expanding the access of retail customers to the price improvement and transparency offered by the Program and the access of the public to an exchange-sponsored alternative to broker-operated internalization venues.

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 Exchange believes that the amendment, by increasing the eligible level of participation in the program, will reduce burdens on competition around retail executions such that retail investors would receive better prices than they currently do on the Exchange and potentially through bilateral internalization arrangements. The Exchange believes that the transparency and competitiveness of operating a program such as the Retail Liquidity Program on an exchange market would result in better prices for retail investors, and benefits retail investors by expanding the capabilities of Exchanges to encompass practices currently allowed on non-Exchange venues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

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[7] and Rule 19b–4(f)(6) thereunder.[8] 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.

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:

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of 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 Commission has waived the five-day prefiling requirement in this case.

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–NYSE–2013–20 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–NYSE–2013–20. 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 publicly available. All submissions should refer to File Number SR–NYSE–2013–20 and should be submitted on or before April 5, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–05981 Filed 3–14–13; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69108; File No. SR–NASDAQ–2013–037]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Clarify the Maximum Time Afforded to a Market Maker To Meet Its Market Making Obligations Upon Rejoining the Market After an Excused Withdrawal Under Rule 4619

March 11, 2013.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 25, 2013, The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II 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 clarify what is the maximum time afforded to a market maker to rejoin the market after an excused withdrawal under Rule 4619 [sic]. The Exchange will implement the proposed changes as soon as the rule change is operative.

The text of the proposed rule change is below. Proposed new language is in italics.

* * * * *

4619. Withdrawal of Quotations and Passive Market Making

(a)–(f) No change.

(*g*) *A Nasdaq Market Maker that wishes to reinstate its quotations in a security after an excused withdrawal pursuant to Rule 4619 shall contact Nasdaq to notify Nasdaq of its intention to be reinstated. Upon confirmation by Nasdaq that the market maker is reinstated, the market maker will have no longer than ten minutes to meet its market making obligations under Rule 4613.*

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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

NASDAQ is proposing to amend Rule 4619 to clarify the maximum permissible time afforded an Exchange market maker in which to resume making a market in a security after an excused withdrawal under the rule. When a NASDAQ market maker is ready to resume market making after an excused withdrawal, it informs NASDAQ of its intent to resume. NASDAQ in turn confirms receipt of such notice and updates the market maker's registration status in the relevant security or securities.[4] If the market maker uses NASDAQ's automated quotation refresh functionality (''AQR''),[5] NASDAQ will, concurrent with the receipt of notice, commence automated quoting thereby satisfying the member firm's market making obligations [sic]. A market maker not using AQR is responsible for reentering the market upon providing notice to NASDAQ of its intent to do so. Until November 2012, nearly all NASDAQ market makers used AQR and the majority of NASDAQ market makers continue to use AQR at this time.

NASDAQ is retiring AQR effective February 25, 2013,[6] and is requiring

[4] A request to reinstate market making after an excused withdrawal may be submitted to NASDAQ by phone, email, or facsimile.

[5] Rules 4613(a)(2)(F) and (G). NASDAQ adopted AQR as part of an effort to address issues uncovered by the aberrant trading that occurred on May 6, 2010. AQR is designed to help Exchange market makers meet their market making obligations for each stock in which they are registered to continuously maintain a two-sided quotation within a designated percentage of the National Best Bid and National Best Offer, as appropriate. *See* Securities Exchange Act Release No. 63255 (November 5, 2010), 75 FR 69484 (November 12, 2010) (SR–NASDAQ–2010–115, et al.).

[6] Securities Exchange Act Release No. 68654 (January 15, 2013), 78 FR 4536 (January 22, 2013) (SR–NASDAQ–2013–007).

market makers to either use the Market Maker Peg Order [7] or develop an alternative means to meet their market making obligations. As a consequence, market makers have begun to opt out of AQR and NASDAQ anticipates many more will do so as the AQR sunset date approaches. For the handful of market makers that do not use AQR currently, NASDAQ provides a reasonable time for the market maker to rejoin the market after providing notice of its intent to do so. NASDAQ monitors this timeframe and in no case has a market maker taken longer than ten minutes to rejoin the market after providing notice.

A consequence of AQR's retirement is that, thereafter, all NASDAQ market makers will no longer automatically resume market making concurrent with notice to the Exchange of their intent to do so after an excused withdrawal under Rule 4619. Accordingly, the Exchange is proposing to amend Rule 4619 to provide Exchange market makers with up to ten minutes to rejoin the market after NASDAQ confirms that the market maker is reinstated in the security or securities subject to an excused withdrawal under Rule 4619 [sic]. After expiration of the ten-minute period, a market maker's obligations under Rule 4613 will apply [sic]. NASDAQ believes that ten minutes is a reasonable amount of time for a market maker to rejoin the market, and that it provides a definite time after which a market maker's obligations under Rule 4613 begin. NASDAQ notes that, for some market makers, the ten minute time-frame proposed herein may be more than adequate to allow them to rejoin the market after receiving confirmation from NASDAQ. NASDAQ believes that small market makers may not have as efficient and automated processes to rejoin the market as compared to larger market making firms. Consequently, the proposed ten minute timeframe is reasonably adequate for such small market makers, but not excessive. Moreover, in light of the fact that AQR was widely-adopted by NASDAQ market makers and its imminent retirement, the process proposed herein will be new to the vast majority of Exchange market makers.

NASDAQ stresses that the proposed timeframe sets a maximum time allowable for a market maker to reenter the market, and that it expects member firms to reenter at the earliest time possible after receiving confirmation from NASDAQ that it is reinstated. Once the market maker reenters the market its obligations under Rule 4613 begin, even if the time is less than ten minutes from receiving notice from NASDAQ. The Exchange will monitor use of this timeframe and may adjust the length of time if it appears to be excessive.

2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(5) of the Act,[8] which requires the rules of an exchange 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 Exchange believes that the proposed rule meets these requirements in that it provides Exchange market makers with clarity on the maximum permissible time for a market maker reenter the market after receiving confirmation of its re-registration from the Exchange. With this information, Exchange market makers are aware of when their obligations under Rule 4613 begin and thus can avoid inadvertent violation of Exchange rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. To the contrary, the proposed rule change will promote competition by providing further clarity to Exchange market making obligations, thus allowing market makers to make more informed market making decisions and ensuring all Exchange market makers are aware of when their Rule 4613 obligations begin. Moreover, by placing an express limit on the time afforded to market makers to rejoin the market, market makers will be incentivized to adopt procedures to timely rejoin the market.

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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) [10] thereunder.

The Exchange has requested that the Commission waive the 30-day operative delay.[11] The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Such waiver would allow the proposed rules to become operative at the same time as NASDAQ retires its AQR functionality. Without waiving the operative 30-day operative delay, Exchange market makers may not be able to automatically resume market making concurrent with its notice to NASDAQ of its intent to do so. Accordingly, the Commission designates the proposal operative upon filing.[12]

At any time within 60 days of the filing of the 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 (h*ttp://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2013–037 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.

[7] Rule 4751(f)(15).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). 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.

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

All submissions should refer to File Number SR–NASDAQ–2013–037. 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–NASDAQ–2013–037 and should be submitted on or before April 5, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–05983 Filed 3–14–13; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69101; File No. SR–NYSE–2013–19]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the New York Stock Exchange LLC Price List To Increase the Gross FOCUS Fee

March 11, 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 February 26, 2013, New York Stock Exchange LLC (the ''Exchange'' or ''NYSE'') 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 Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Price List to increase the gross FOCUS fee (''Gross FOCUS Fee''). The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, 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 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 those 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 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 its Price List to increase the Gross FOCUS Fee. The Exchange proposes to immediately reflect the proposed change in its Price List, but not to implement the proposed rate change until April 1, 2013.[3]

The Exchange currently charges each member organization a monthly Gross FOCUS Fee of $0.105 per $1,000 of gross revenue reported on its FOCUS Report.[4] Member organizations are subject to certain minimum annual Gross FOCUS Fees, which are $500 for carrying firms and designated market makers (''DMMs''), $250 for introducing firms, and $45 for member organizations who do not conduct a public business.

The Exchange proposes to increase the rate of the Gross FOCUS Fee from $0.105 per $1,000 of gross revenue to $0.12 per $1,000 of gross revenue.[5] The Exchange is proposing this increase in order to offset increased regulatory expenses. In this regard, the Exchange notes that it has not increased the Gross FOCUS Fee in more than five years, since January 2008.[6]

The Exchange allocates the funds collected pursuant to the Gross FOCUS Fee to fund the performance of its regulatory activities with respect to member organizations, including expenses associated with the regulatory functions performed both by NYSE Regulation, Inc. (''NYSE Regulation'') and by the Financial Industry Regulatory Authority, Inc. (''FINRA'') pursuant to a regulatory services agreement, for which FINRA is paid by NYSE Regulation.

The Exchange will monitor the amount of revenue collected from the Gross FOCUS Fee to ensure that it, in combination with its other regulatory fees and fines, does not exceed regulatory costs. The Exchange expects to monitor regulatory costs and revenues on an annual basis, at a minimum. If the Exchange determines that regulatory revenues exceed regulatory costs, the Exchange would adjust the Gross FOCUS Fee downward by submitting a fee change filing to the Commission.

In addition to being included in the Exchange's Price List, the Gross FOCUS Fee is also set forth in NYSE Rule 129, along with the applicable minimum annual fees described above.[7] The Exchange proposes to remove the duplicative Gross FOCUS Fee text from NYSE Rule 129. As a result, NYSE Rule 129 would no longer include the Gross FOCUS Fee or the applicable annual minimums. However, NYSE Rule 129 would continue to provide that the Exchange's Board may, from time to time, impose such charge or charges on members and member organizations as it deems appropriate to reimburse the Exchange, in whole or in part, for

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange has proposed changes to the Price List, as reflected in the Exhibit 5 in a manner that would permit readers of the Price List to identify the proposed increase to the Gross FOCUS Fee that would be implemented on April 1, 2013.

[4] FOCUS is an acronym for Financial and Operational Combined Uniform Single Report. FOCUS Reports are filed periodically with the Securities and Exchange Commission (the ''Commission'' or ''SEC'') as SEC Form X–17A–5 pursuant to Rule 17a–5 under the Act.

[5] The Exchange is also proposing to specify, as is the case today, that the Gross FOCUS Fee is charged monthly. The Exchange is not proposing to change the existing minimum annual Gross FOCUS Fees.

[6] *See* Securities Exchange Act Release No. 56181 (August 1, 2007), 72 FR 44206 (August 7, 2007) (SR–NYSE–2007–70).

[7] *See, e.g.,* Securities Exchange Act Release No. 57139 (January 14, 2008), 73 FR 3503 (January 18, 2008) (SR–NYSE–2008–01).

regulatory oversight services provided to the membership by the Exchange.[8]

The Exchange notes that the proposed change is not otherwise intended to address any other issues, and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed change is reasonable because the increase in the Gross FOCUS Fee would permit the Exchange to offset increased regulatory expenses related to member organizations. In this regard, the Exchange notes that it has not increased the Gross FOCUS Fee in more than five years, since January 2008.[11]

The Exchange further believes that the level of the Gross FOCUS Fee is reasonable because it is expected to generate revenues that, when combined with the Exchange's other regulatory fees with respect to member organizations, will be less than or equal to the Exchange's regulatory costs. The Exchange believes that this is consistent with the Commission's previously stated view that regulatory fees be used for regulatory purposes and not to support the Exchange's business side.

The Exchange further believes that the proposed change is equitable and not unfairly discriminatory because the Gross FOCUS Fee is assessed in an objective manner to all member organizations based on gross revenue reported on their FOCUS Reports.

The Exchange also believes that consolidating the text related to the Gross FOCUS Fee in the Price List is reasonable, equitable and not unfairly discriminatory because it would provide member organizations with a single location to reference the applicable fees and would eliminate unnecessary duplication of related text.

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 change is not designed to address any competitive issues. Rather, the proposed change is designed to permit the Exchange to adequately fund its regulatory activities in light of increased regulatory expenses related to member organizations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[12] of the Act and subparagraph (f)(2) of Rule 19b–4[13] thereunder, because it establishes a due, fee, or other charge imposed by NYSE.

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–NYSE–2013–19 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–NYSE–2013–19. 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–NYSE–2013–19 and should be submitted on or before April 5, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–05985 Filed 3–14–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69106; File No. SR–NYSEArca–2013–22]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Commentary .02 To NYSE Arca Options Rule 6.72 To Extend the Penny Pilot in Options Classes in Certain Issues Through June 30, 2013

March 11, 2013.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the

[8] The Exchange is also proposing a non-substantive, grammatical change to this text in NYSE Rule 129.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *See supra* note 6.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(2).

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on February 26, 2013, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''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

The Exchange proposes to amend Commentary .02 to NYSE Arca Options Rule 6.72 in order to extend the Penny Pilot in options classes in certain issues (''Pilot Program'') previously approved by the Securities and Exchange Commission (''Commission'') through June 30, 2013. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.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 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange hereby proposes to amend Commentary .02 to Exchange Rule 6.72 to extend the time period of the Pilot Program,[4] which is currently scheduled to expire on March 31, 2013 through June 30, 2013.

This filing does not propose any substantive changes to the Pilot Program: all classes currently participating will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the increase in quote traffic.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) [5] of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5),[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system. The Exchange believes that the Pilot Program promotes just and equitable principles of trade by enabling public customers and other market participants to express their true prices to buy and sell options. The proposal to extend the Pilot Program is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, by allowing the Exchange and the Commission additional time to analyze the impact of the Pilot Program while also allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot Program.

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. Specifically, the Exchange believes that, by extending the expiration of the Pilot Program, the proposed rule change will allow for further analysis of the Pilot Program and a determination of how the Program should be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Pilot Program is an industry wide initiative supported by all other option exchanges. The Exchange believes that extending of the Pilot Program to coincide with the expiration of the Pilot Program at other exchange will allow for continued competition between market participants on the NYSE Arca trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot Program.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

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 [7] and Rule 19b–4(f)(6) thereunder.[8] 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 [9] and Rule 19b–4(f)(6)(iii) thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing.[11] 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 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

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 68339 (December 3, 2012), 77 FR 73109 (December 7, 2012) (SR–NYSEArca–2012–130).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of 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 pre-filing requirement.

[12] 17 CFR 240.19b–4(f)(6)(iii).

because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program.[13] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[14]

At any time within 60 days of the filing of the 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–NYSEArca–2013–22 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–NYSEArca–2013–22. 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–NYSEArca–2013–22 and should be submitted on or before April 5, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–06045 Filed 3–14–13; 8:45 am]

BILLING CODE 8011–01–P

[13] *See* Securities Exchange Act Release No. 61061 (November 24, 2009), 74 FR 62857 (December 1, 2009) (SR–NYSEArca–2009–44). *See also supra* note 4.

[14] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69105; File No. SR–NYSEMKT–2013–17]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Commentary .02 to NYSE Amex Options Rule 960NY To Extend the Penny Pilot in Options Classes in Certain Issues Through June 30, 2013

March 11, 2013.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on February 26, 2013, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .02 to NYSE Amex Options Rule 960NY in order to extend the Penny Pilot in options classes in certain issues (''Pilot Program'') previously approved by the Securities and Exchange Commission (''Commission'') through June 30, 2013. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.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 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange hereby proposes to amend Commentary .02 to Exchange Rule 960NY to extend the time period of the Pilot Program,[4] which is currently scheduled to expire on March 31, 2013 through June 30, 2013.

This filing does not propose any substantive changes to the Pilot Program: all classes currently participating will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the increase in quote traffic.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[5] of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5),[6] in

[4] *See* Securities Exchange Act Release No. 68427 (December 13, 2012), 77 FR 75227 (December 19, 2012) (SR–NYSEMKT–2012–75).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system. The Exchange believes that the Pilot Program promotes just and equitable principles of trade by enabling public customers and other market participants to express their true prices to buy and sell options. The proposal to extend the Pilot Program is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, by allowing the Exchange and the Commission additional time to analyze the impact of the Pilot Program while also allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot Program.

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. Specifically, the Exchange believes that, by extending the expiration of the Pilot Program, the proposed rule change will allow for further analysis of the Pilot Program and a determination of how the Program should be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Pilot Program is an industry wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot Program to coincide with the expiration of the Pilot Program at other exchange will allow for continued competition between NYSE Amex Options market participants trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot Program.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

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 [7] and Rule 19b–4(f)(6) thereunder.[8] 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 [9] and Rule 19b–4(f)(6)(iii) thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing.[11] 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 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 because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program.[13] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[14]

At any time within 60 days of the filing of the 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–NYSEMKT–2013–17 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–NYSEMKT–2013–17. 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

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of 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 pre-filing requirement.

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] *See* Securities Exchange Act Release No. 61061 (November 24, 2009), 74 FR 62857 (December 1, 2009) (SR–NYSEArca–2009–44). *See also supra* note 4.

[14] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–NYSEMKT–2013–17 and should be submitted on or before April 5, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–06044 Filed 3–14–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69104; File No. SR–NYSEMKT–2013–22]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 107C-Equities To Clarify That a Retail Member Organization May Submit Retail Orders to the Retail Liquidity Program in a Riskless Principal Capacity as Well as in an Agency Capacity

March 11, 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 March 1, 2013, NYSE MKT LLC (''NYSE MKT'' 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 Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 107C-Equities to clarify that a Retail Member Organization (''RMO'') may submit Retail Orders to the Retail Liquidity Program (the ''Program'') in a riskless principal capacity as well as in an agency capacity, provided that (i) the entry of such riskless principal orders meets the requirements of FINRA Rule 5320.03, including that the RMO maintains supervisory systems to reconstruct, in a time-sequenced manner, all Retail Orders that are entered on a riskless principal basis; and (ii) the RMO does not include non-retail orders together with the Retail Orders as part of the riskless principal transaction. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, 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 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 those 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 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 is proposing an amendment to Rule 107C-Equities to clarify that an RMO may submit Retail Orders to the Program in a riskless principal capacity as well as in an agency capacity, provided that (i) the entry of such riskless principal orders meets the requirements of FINRA Rule 5320.03, including that the RMO maintains supervisory systems to reconstruct, in a time-sequenced manner, all Retail Orders that are entered on a riskless principal basis; and (ii) the RMO does not include non-retail orders together with the Retail Orders as part of the riskless principal transaction.[3] Under current Rule 107C (a)(3)-Equities, a ''Retail Order'' is defined as ''an agency order that originates from a natural person and is submitted to the Exchange by [an RMO] provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or other computerized methodology.''

The Exchange believes that, for purposes of determining whether an order should qualify as a Retail Order, there is no difference between a riskless principal order that meets the requirements of FINRA Rule 5320.03 and an agency order. A riskless principal transaction is a transaction in which a member, after having received an order to buy (sell) a security, purchases (sells) the security as principal and, contemporaneously, satisfies the original order by selling (buying) as principal at the same price. Generally, a riskless principal transaction involves two orders, the execution of one being dependent upon the receipt or execution of the other; thus, there is no ''risk'' in the interdependent transactions when completed. Unlike a riskless principal transaction, an agency order is entered directly in exchange systems on behalf of a customer. Ultimately, however, the results of a riskless principal transaction and an agency order are the same: The customer receives an execution while the involved member acts as an intermediary to effect the transaction.[4]

A riskless principal transaction under the Program would occur as follows. Assume an RMO receives a market order to sell 100 shares at $10.01 of ABC from a retail customer. The RMO then enters a Retail Order into the Program to sell at $10.01 under the Program, and that order receives a price-improved execution under the Program at $10.012. When that execution occurs, the RMO contemporaneously executes the order with the retail customer for the same price ($10.012) that it received within the program, exclusive of any markup or markdown, commission equivalent, or other fee. Thus, the retail customer would receive the same benefit from the Program that it would have if the Retail Order had been entered on an agency basis. Therefore, there is no functional distinction for purposes of the Program between an order entered by an RMO on an agency basis and one entered on a riskless principal basis, and including riskless principal orders improves the ability of RMOs to offer the possibility of price improvement to their customers.

The Exchange believes that the requirement that the entry of such

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[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Recently, the Exchange proposed to amend the attestation requirement of Rule 107C to allow an RMO to attest that ''substantially all'' orders submitted to the Program will qualify as ''Retail Orders.'' *See* Exchange Act Release No. 68747 (Jan. 28, 2013), 78 FR 7824 (Feb. 4, 2013). Riskless principal transactions permitted by this amendment would be considered ''Retail Orders'' for purposes of the attestation requirement.

[4] A principal transaction differs from both a riskless principal transaction and an agency order in that it is an order for the principal account of the entering member.

riskless principal orders satisfy FINRA Rule 5320.03 provides sufficient protection against RMOs submitting orders for their own account to the Program. An RMO entering a riskless principal transaction will have to, contemporaneously with the execution of the customer's order, submit a report identifying the trade as riskless principal to FINRA. Additionally, the RMO will need to have written policies and procedures to ensure that riskless principal transactions comply with applicable FINRA rules. The policies and procedures, at a minimum, must require that the customer order be received prior to the offsetting principal transaction, and that the offsetting principal transaction is at the same price as the customer order exclusive of any markup or markdown, commission equivalent, or other fee, and is allocated to a riskless principal or customer account in a consistent manner and within 60 seconds of execution. Additionally, the RMO must have supervisory systems in place that produce records that enable the RMO and FINRA to reconstruct accurately, readily, and in a time-sequenced manner all Retail Orders that are entered on a riskless principal basis. The RMO must also ensure that non-Retail Orders are not included with the Retail Orders as part of a riskless principal transaction. The above requirements ensure that despite the procedural differences between the execution of a riskless principal transaction and an agency order, the *only* difference will be the procedure in which the transactions are effected and not the result.

The Exchange further believes that clarifying that riskless principal orders that meet the requirements of FINRA Rule 5320.03 are able to participate in the Program on the same basis as agency orders will enable more retail customers to benefit from the enhanced price competition and transparency of the Program.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[5] in general, and furthers the objectives of Section 6(b)(5),[6] in particular, in that it is designed 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 Exchange believes that the proposed rule change promotes just and equitable principles of trade because it will ensure that riskless principal orders that meet the requirements of FINRA Rule 5320.03 will have the same opportunity to participate in the Program as agency orders. As discussed above, there is no functional distinction for purposes of the Program between an order entered by an RMO on an agency basis and one entered on a riskless principal basis. The Exchange believes that the proposed change would tend to reduce any potential discrimination between similarly situated customers or brokers by ensuring that the ability of retail customers to benefit from the Program does not depend on a distinction in capacity that is not meaningful for purposes of the Program. As a result of the change, a retail customer will be able to benefit from the price improvement offered by the Program without regard to whether the RMO enters the order on a riskless principal or agency basis.

The Exchange believes that the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system because it will clarify that riskless principal orders that meet the requirements of FINRA Rule 5320.03 are eligible to participate in the Program on the same basis as agency orders. By allowing all orders that are functionally equivalent to agency orders to participate in the Program, the proposed change would potentially stimulate further price competition for retail orders.

Finally, the Exchange believes that the proposed change would protect investors and public interest by expanding the access of retail customers to the price improvement and transparency offered by the Program and the access of the public to an exchange-sponsored alternative to broker-operated internalization venues.

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 Exchange believes that the amendment, by increasing the eligible level of participation in the program, will burdens on competition around retail executions such that retail investors would receive better prices than they currently do on the Exchange and potentially through bilateral internalization arrangements. The Exchange believes that the transparency and competitiveness of operating a program such as the Retail Liquidity Program on an exchange market would result in better prices for retail investors, and benefits retail investors by expanding the capabilities of Exchanges to encompass practices currently allowed on non-Exchange venues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

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[7] and Rule 19b–4(f)(6) thereunder.[8] 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.

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:

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of 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 Commission has waived the five-day prefiling requirement in this case.

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–NYSEMKT–2013–22 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–NYSEMKT–2013–22. 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 publicly available. All submissions should refer to File Number SR–NYSEMKT–2013–22 and should be submitted on or before April 5, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–05980 Filed 3–14–13; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69107; File No. SR–BYX–2013–009]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Fees for Use of BATS Y-Exchange, Inc.

March 11, 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 February 26, 2013, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') 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 Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. 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 to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to BYX Rules 15.1(a) and (c). While changes to the fee schedule pursuant to this proposal will be effective upon filing, the changes will become operative on March 1, 2013.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, 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 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 modify its fee schedule effective March 1, 2013, in order to amend the rebates that it provides for removing liquidity and to amend the fees that it charges for adding liquidity, as described in further detail below.

Rebates To Remove Liquidity

The Exchange currently offers a tiered pricing structure for executions that remove liquidity. Under the tiered pricing structure, a Member must add a daily average of at least 50,000 shares of liquidity on BYX Exchange in order to receive a rebate to remove liquidity, which is currently provided at $0.0002 per share. As with its other current tiered pricing, the daily average in order to receive the liquidity removal rebate is calculated based on a Member's activity in the month for which the rebates would apply. For Members that do not reach the tier to receive the liquidity removal rebate, the Exchange does not currently provide rebate. The Exchange does not, however, charge such Members, but rather, provides such executions free of charge.

The Exchange proposes to adopt two additional tiers in addition to the free removal rate for Members that do not qualify for an enhanced rebate and the $0.0002 rebate to remove liquidity for Members that add a daily average of at least 50,000 shares of liquidity on BYX Exchange. Specifically, the Exchange proposes to provide a rebate of $0.0004 per share to remove liquidity for Members that have an average daily volume (''ADV'') on the Exchange of at least 0.5% of the total consolidated volume (''TCV'') during the month and a rebate of $0.0003 per share to remove liquidity for Members that have an ADV on the Exchange of at least 0.25% but less than 0.5% of TCV. To receive the rebate pursuant to either of the proposed new tiers, the Exchange will continue to impose the requirement that a Member add a daily average of at least 50,000 shares of liquidity on BYX Exchange. Although the Exchange does not propose modifying the existing rebate structure for Members that do not

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] A Member is any registered broker or dealer that has been admitted to membership in the Exchange.

achieve either of the new tiers, the Exchange has proposed language changes to the fee schedule to accommodate the new tiers (i.e., adding language to the 50,000 shares added tier to address Members that reach this tier but not a TCV tier and modifying language for Members that do not qualify for an enhanced rebate to remove liquidity to more general language).

Consistent with the current fee structure, the fee structure for executions that remove liquidity from the Exchange described above will not apply to executions that remove liquidity in securities priced under $1.00 per share. The fee for such executions will remain at 0.10% of the total dollar value of the execution. Similarly, as is currently the case for adding liquidity to the Exchange, there will be no liquidity rebate for adding liquidity in securities priced under $1.00 per share.

Fees To Add Liquidity

The Exchange currently maintains a tiered pricing structure for adding displayed liquidity in securities priced $1.00 and above that allows Members to add liquidity at a reduced fee to the extent such liquidity sets the national best bid or offer (the ''NBBO Setter Program''). The NBBO Setter Program is applicable to a Member's orders so long as the Member submitting the order achieves the applicable ADV requirement of at least 0.5% of TCV during the month. Members that qualify for the NBBO Setter Program are charged a fee of $0.0002 per share for executions resulting from orders that add liquidity to the BYX Exchange order book and set the NBBO. Members that achieve the applicable ADV requirement of at least 0.5% of TCV during the month are currently charged $0.00025 per share for all other executions (that do not set the NBBO). All other executions resulting from displayed liquidity added by any Member are currently subject to a fee of $0.0005 per share. The Exchange proposes changes to its tiered pricing structure to add liquidity, as described below.

First, the Exchange proposes to increase the fee charged under the NBBO Setter Program to Members that maintain ADV on the Exchange of at least 0.5% of the total TCV during the month from $0.0002 per share to $0.00025 per share on orders that set the NBBO. The Exchange also proposes to increase the fee for Members that maintain ADV on the Exchange of at least 0.5% of the total TCV during the month on executions that do not set the NBBO from $0.00025 per share to $0.0003 per share.

Second, the Exchange proposes to adopt a new tier for Members that maintain ADV on the Exchange of at least 0.25% but less than 0.5% of the total TCV during the month. The Exchange proposes to charge Members that reach this 0.25% tier a fee to add liquidity of $0.00035 per share on orders that set the NBBO and $0.0004 per share for orders that do not set the NBBO.

The Exchange does not propose to change the fee charged to Members that do not qualify for a reduced fee based on their volume on the Exchange. Accordingly, such Members will still be charged a fee of $0.0005 per share for executions resulting from orders that add liquidity to the Exchange.

The Exchange notes that it does not propose to modify its existing definitions of ''ADV'' or ''TCV'' in connection with the changes described above. The Exchange notes that the definition of ADV used in conjunction with TCV for the NBBO Setter Program and the proposed tiered pricing structures for executions that add and remove liquidity includes both a Member's liquidity adding and removing activity. However, as today, the 50,000 shares added requirement necessary to achieve tiered pricing to remove liquidity only includes added volume.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[6] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[7] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive.

The changes to Exchange execution fees and rebates proposed by this filing are intended to attract order flow to the Exchange by continuing to offer competitive pricing while also allowing the Exchange to continue to offer incentives to providing aggressively priced displayed liquidity. While certain Members that add liquidity to the Exchange will be paying higher fees due to the proposal, the increased revenue received by the Exchange will be used to continue to fund programs that the Exchange believes will attract additional liquidity and thus improve the depth of liquidity available on the Exchange. Further, by adding another tier to qualify for reduced fees to add liquidity, the Exchange is expanding the availability of tiered pricing discounts.

With respect to the proposed changes to the tiered pricing structure for removing liquidity from the Exchange, the Exchange believes that its proposal is reasonable because it will allow Members that achieve a relatively low threshold of added liquidity, and thus who contribute to the depth of liquidity generally available on the Exchange, to continue to receive the current rebate. Certain Members will be unaffected by this change, as the initial threshold of reaching 50,000 shares added per day on the Exchange remains unchanged. However, by also providing higher potential rebates for Members that achieve at least either 0.25% or 0.5% of TCV, the Exchange is further incentivizing Members to participate in the growth of the Exchange. Volume-based tiers such as the liquidity removal tier proposed by the Exchange have been widely adopted in the equities markets, and are equitable and not unfairly discriminatory because they are open to all members on an equal basis and provide rebates that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery process. Accordingly, the Exchange believes that the proposal is equitably allocated and not unfairly discriminatory because it is consistent with the overall goals of enhancing market quality.

With respect to the Exchange's proposal to add another tier for Members that achieve at least 0.25% of TCV through which such Members can participate in the NBBO Setter Program and receive lower fees for adding liquidity for other orders, the Exchange believes that its proposal is reasonable because the tier is intended to incentivize Members to maintain or increase their participation on the Exchange. As noted above, volume-based tiers such as the threshold necessary to qualify for the NBBO Setter Program and the reduced fee to add liquidity are equitable and not unfairly

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

discriminatory because they are open to all members on an equal basis and provide rebates that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery process.

With respect to the increases to the fees charged to add liquidity as applied to orders that set the NBBO and all other orders entered Members that qualify for reduced charges based on a level of at least 0.5% of TCV, the Exchange believes that the proposed fees are reasonable as both fees are still comparable to other market centers that charge to add displayed liquidity and represent only a slight increase from the current fee levels. The Exchange notes that at least one market center charges a higher fee to add displayed liquidity.[8] The Exchange reiterates that it is not proposing to increase fees charged to Members that do not qualify for a tier.

The Exchange believes that any additional revenue it receives based on the increases to fees set forth above will allow the Exchange to devote additional capital to its operations and to continue to offer competitive pricing, which, in turn, will benefit Members of the Exchange. Further, the Exchange again notes that the tiered fee structure whereby Members meeting certain volume thresholds will receive reduced fees on their added liquidity executions is equitable and not unfairly discriminatory because it will be open to all Members on an equal basis the reduced fee is reasonably related to the value to the Exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery process.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Because the market for order execution is extremely competitive, Members may choose to preference other market centers ahead of the Exchange if they believe that they can receive better fees or rebates elsewhere. Further, because certain of the proposed changes are intended to provide incentives to Members that will result in increased activity on the Exchange, such changes are necessarily competitive. The Exchange also believes that its pricing for displayed orders is appropriately competitive vis-à-vis the Exchange's competitors. Further, the Exchange believes that continuing to incentivize the entry of aggressively priced, displayed liquidity fosters intra-market competition to the benefit of all market participants that enter orders to the Exchange. However, the Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange does not believe that any of the changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received.

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[9] and paragraph (f) of Rule 19b-4 thereunder.[10] At any time within 60 days of the filing of the 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–BYX–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–BYX–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 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–BYX–2013–009, and should be submitted on or before April 5, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–05979 Filed 3–14–13; 8:45 am]

BILLING CODE 8011–01–P

[8] NASDAQ OMX BX charges up to $0.0018 per share, with the potential for a slightly lower fee to the extent a participant meets certain quoting criteria.

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69102; File No. SR–NYSE–2013–17]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 13 Adding Two Self-Trade Prevention (''STP'') Modifiers That May Be Used by Certain Market Participants

March 11, 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 February 25, 2013, New York Stock Exchange LLC (the ''Exchange'' or ''NYSE'') 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 Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 13 to add two self-trade prevention (''STP'') modifiers that may be used by certain market participants. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, 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 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 those 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 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 Rule 13 to add two STP modifiers that may be used by certain market participants. The proposed STP modifiers are designed to prevent two orders from the same market participant identifier (''MPID'') assigned to a member organization from executing against each other. Use of the STP modifiers is optional and would not be automatically implemented by the Exchange. Rather, a member organization can choose to add a STP modifier on eligible orders. The STP modifier on the incoming order would determine the interaction between two orders marked with STP modifiers and whether the incoming or the resting order would cancel. Both the buy and the sell order would have to include an STP modifier in order to prevent a trade from occurring and to effect a cancel instruction. The Exchange notes that an incoming order with an STP modifier will execute against all available opposite-side interest in Exchange systems, displayed or non-displayed, pursuant to Rule 72, and will be evaluated for cancellation by Exchange systems only to the extent that it would execute against opposite-side interest with an STP modifier with the same MPID.

The Exchange proposes to add two types of STP modifiers, STP Cancel Newest (''STPN'') and STP Cancel Oldest (''STPO''), as discussed in detail below. As proposed, the STP modifiers would be available for limit orders sent to the matching engine by off-Floor participants, except limit orders marked GTC or MTS–IOC.[3] Market orders, stop orders, GTCs and MTS–IOC, and orders sent to Floor brokers from off Floor participants with STP modifiers will be rejected.[4] In addition, because of the manual nature of opening, reopening, and closing single-priced auctions, STP modifiers would not be active during these transactions. The Exchange will not reject orders with STP modifiers sent specifically for execution on the opening or closing auction,[5] but such modifiers will be ignored. Moreover, limit orders accepted prior to the opening or during the trading day with valid STP modifiers could be executed during a single-priced auction transaction irrespective of such modifiers. The STP modifiers will not be active for Retail Price Improvement Orders (''RPI'') and will also be ignored. Specifically, STP modifiers will not be active for Type 1 designated Retail Orders in all situations and will be ignored. In addition, STP modifiers will not be active for Type 2 and Type 3 designated Retail Orders when they first interact with contra-side RPIs, however once they enter the Exchange's system to be executed as an Immediate or Cancel Order—normal processing of the STP modifier will occur. Finally, since Exchange systems currently monitor to ensure that DMM interest, which is all proprietary, does not trade with itself—STP modifiers will not be made available for DMM interest.

Proposed STPN Modifier

As proposed, an incoming order marked with the STPN modifier would not execute against opposite-side resting interest marked with either an STPN or STPO modifier with the same MPID.[6] Such incoming order marked with the STPN modifier would be cancelled back to the originating member organization. The resting order marked with one of the STP modifiers, which otherwise would have interacted with the incoming order, would remain in Exchange systems. After executing with any non-STP opposite-side interest, Exchange systems would cancel the remaining balance of the incoming STPN order that would execute against the opposite-side resting order with the same MPID with an STP modifier. If an STPN could execute at multiple price points, the incoming STPN would execute at the multiple prices until it reaches a price point where there is resting opposite-side STP interest. At the price point where there is opposite-side STP interest, the incoming STPN order would execute against any available non-STP interest, displayed or undisplayed, and the balance, if any, of the incoming STPN order would cancel.

For purposes of these examples, assume that the orders are always with the same MPID and that the Exchange best bid and offer is $22.00–$22.03.

STPN Example 1: An STPO order to buy 500 shares at $22.00 is resting interest in Exchange systems. Subsequently, an STPN order to sell 500 shares at $22.00 is entered into Exchange systems.

STPN Result 1: The incoming STPN sell order for 500 shares at $22.00 would cancel back to the originating member organization.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The STP modifiers would be available for orders entered in either an agency or principal capacity, though the Exchange anticipates that the STP modifiers would be used primarily by member organizations trading on a proprietary basis as a tool to prevent potential inadvertent ''wash sales.''

[4] The Exchange notes that it intends to expand availability of STP modifiers to a wider range of order types. The Exchange will file a subsequent 19b–4 rule filing at that time.

[5] *I.e.,* Market on Open, Limit on Open, Market on Close, Limit on Close and Closing Only orders.

[6] Incoming order refers to: (1) orders that have arrived at the Exchange, including those orders that have been routed to an away market and returned to the Exchange unexecuted, and (2) orders that are repriced because of tick sensitive instructions, or the operation of Limit Up/Limit Down price bands or Short Sale Restrictions.

The resting STPO buy order for 500 shares at $22.00 would remain in Exchange systems.

STPN Example 2: Exchange systems have the following resting interest: a Non-Displayed Reserve Order [7] to buy 100 shares at $22.01 (B1), an STPN order to buy 100 shares at $22.00 (B2) with priority at the quote, an order to buy 200 shares at $22.00 (B3), a non-displayed reserve eQuote to buy 200 shares (B4), for a total of 500 shares (300 quoted, 200 in reserve) to buy at $22.00. Subsequently, an incoming STPN order to sell 700 shares at $22.00 is entered (S).

STPN Result 2: S would execute against B1 for 100 shares at $22.01, leaving 600 shares of S. Although B2 has priority at the bid, it would be bypassed because it has an STP modifier with the same MPID. S would then execute against B3 for 200 shares at $22.00, leaving 400 shares of S. S would then execute against B4 for 200 shares at $22.00. Because the remaining 200 shares of S has an STP modifier from a matching MPID of B2's 100 shares, those remaining 200 shares of S would be cancelled back to the originating member organization. B2 for 100 shares at $22.00 would not execute and would remain on Exchange systems.

Proposed STPO Modifier

As proposed, an incoming order marked with the STPO modifier would not execute against opposite-side resting interest marked with either an STPN or STPO modifier with the same MPID. Such resting order marked with either of the STP modifiers, which otherwise would have interacted with the incoming order, would be cancelled back to the originating member organization. The incoming order marked with the STPO modifier would remain on Exchange systems. Exchange systems would cancel all opposite-side resting interest with the same MPID having an STP modifier at each price point that the incoming STPO order is eligible to execute. If the incoming STPO order is an immediate or cancel (''IOC'') order, and if there is any unfilled balance of the incoming STPO IOC, both the resting STP interest and the remainder of the STPO IOC at that price point would cancel.

For purposes of these examples, assume that the orders are always contain the same MPID and that the Exchange best bid and offer is $22.00–$22.03.

STPO Example 1: An STPO order to buy 500 shares at $22.00 is resting interest in Exchange systems. Subsequently, an STPO order to sell 500 shares at $22.00 is entered into Exchange systems.

STPO Result 1: The resting STPO buy order for 500 shares at $22.00 would cancel back to the originating member organization. The incoming STPO sell order for 500 shares at $22.00 would be entered in Exchange systems.

STPO Example 2: Exchange systems have the following resting interest: a Non-Display Reserve Order to buy 100 shares at $22.02 (B1); a Non-Display Reserve Order to buy 100 shares at $22.01 (B2) and a Non-Display Reserve Order STPN order to buy 100 shares at $22.01(B3), for a total of 200 shares to buy at $22.01; an STPN order to buy 500 shares at $22.00 (B4) and an order to buy 200 shares at $22.00 (B5), for a total of 700 shares to buy at $22.00. Subsequently, an STPO order to sell 500 shares at $22.00 is entered into Exchange systems (S).

STPO Result 2: S would execute against B1 for 100 shares at $22.02, leaving 400 shares of S. S would then execute against B2 for 100 shares at $22.01, leaving 300 shares of S. At $22.01, because it has an STP modifier from a matching MPID, B3 would cancel back to the originating member organization. S would next execute against B5, leaving 100 shares of the STPO sell order. Because the remaining 100 shares of the S has an STP modifier from a matching MPID of B4, the entire 500 shares of B4 would be cancelled back to the originating member organization. The 100 unexecuted shares of the incoming S would be entered in Exchange systems as resting interest.

STPO Example 3: Assume the same trading scenario as STPO Example 2, except that the incoming S order to sell 500 shares at $22.00 is also an IOC order.

STPO Result 3: The same executions and cancellations as in STPO Result 2 would occur. After executing against B5, the remaining balance of S would cancel because there is no more opposite-side non-STP interest. Accordingly, at the $22.00 price point, both the entire amount of B4 and the remaining balance of S (100 shares) would cancel.

Because of the technology changes associated with this rule proposal, the Exchange will announce the implementation date of the STP modifiers in a Trader Update to be published no later than 90 days after the publication of the notice in the **Federal Register**. The implementation date will be no later than 90 days following publication of the Trader Update announcing publication of the notice in the **Federal Register**.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) [8] of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5) [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 foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes that adding STP functionality would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would allow firms to better manage order flow and prevent unintended executions with themselves or the potential for ''wash sales'' that may occur as a result of the velocity of trading in today's high-speed marketplace. Commonly, member organizations have multiple connections into the Exchange due to capacity and speed-related demands. Orders routed by member organizations via different connections may, in certain circumstances, inadvertently trade against each other. The new STP modifiers would provide member organizations with the opportunity to prevent these unintended trades from occurring. The Exchange notes that the STP modifiers would not alleviate, or otherwise exempt, broker-dealers from their best execution obligations.

At this time, the Exchange proposes to offer the STP modifiers for orders entered by off-Floor participants only. The Exchange believes that the proposal to not make available STP modifiers to DMM interest is consistent with just and equitable principles of trade and not unfairly discriminatory because there is no need for the STP modifier for DMM interest in that Exchange systems already monitor to ensure that DMM interest, which is all proprietary, does not trade with itself. In addition, the Exchange notes that the technology supporting the proposed STP modifiers is not currently compatible with the Floor broker systems, but is actively working to develop the technology to extend STP modifiers to Floor brokers. The Exchange does not believe it should delay the deployment of the STP modifiers for other market participants while it performs the technical modifications required for the use of STP modifiers for Floor brokers.

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 Exchange believes that the proposal will provide member organizations with the opportunity to prevent unintended self-trades from occurring. The Exchange notes that it operates in a highly

[7] A Non-Displayed Reserve Order is a limit order that is not displayed, but remains available for potential execution against all incoming automatically executing orders until executed in full or cancelled. *See* NYSE Rule 13.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

competitive market in which market participants can readily direct order flow to competing venues who offer similar functionality. Many competing venues offer similar functionality to market participants. To this end, the Exchange is proposing a market enhancement to provide greater protections from inadvertent executions, and encourage market participants to trade on the Exchange. The Exchange believes the proposed rule change is pro-competitive because it would enable the Exchange to provide member organizations with functionality that is similar to that of other exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule 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 if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given 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 proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11]

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.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of 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.

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–NYSE–2013–17 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–NYSE–2013–17. 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–NYSE–2013–17 and should be submitted on or before April 5, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–05984 Filed 3–14–13; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Public Availability of U.S. Small Business Administration FY 2012 Service Contract Inventory

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Public Availability of FY 2012 Service Contract Inventories.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), the Small Business Administration is publishing this notice to advise the public of the availability of the FY 2012 Service Contract inventory. This inventory provides information on service contract actions over $25,000 that were awarded in FY 2012. The information is organized by function to show how contracted resources are distributed throughout the agency. The inventory has been developed in accordance with guidance issued on November 5, 2010 and December 19, 2011 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). The Small Business Administration has posted its inventory and a summary of the inventory on the Small Business Administration homepage at the following link: *http://www.sba.gov/content/service-contract-inventory*.

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to William Cody in the Procurement Division at (303) 844–3499 or *William.Cody@sba.gov*.

Dated: January 28, 2013.

Jonathan I. Carver,

Chief Financial Officer/Associate Administrator for Performance Management, Office of the Chief Financial Officer.

[FR Doc. 2013–05957 Filed 3–14–13; 8:45 am]

BILLING CODE P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2012–0073]

Privacy Act of 1974, as Amended; Computer Matching Program (SSA/Office of Personnel Management (OPM))—Match Numbers 1005, 1019, 1020, and 1021

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a renewal of existing computer matching programs that will expire on April 12, 2013.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces renewals of existing computer matching programs that we are currently conducting with OPM.

DATES: We will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966–0869 or writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of our computer matching programs comply with the requirements of the Privacy Act, as amended.

Kirsten J. Moncada,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Notice of Computer Matching Program, SSA With the Office of Personnel Management (OPM)

A. Participating Agencies

SSA and OPM

B. Purpose of the Matching Program

The purpose of this matching program is to set forth the terms, conditions, and safeguards under OPM will disclose civil service benefit and payment data to us. We are legally required to offset specific benefits by a percentage of civil service benefits received (Spousal and Survivors benefits, Supplemental Security Income (SSI) benefits, and Disability Insurance Benefits are offset by a percentage of the recipients own federal government pension benefits). We administer the Old Age, Survivors, Disability Insurance (OASDI), SSI, and Special Veterans' Benefits (SVB) programs. We will use the match results under this agreement to meet our civil service benefit offset obligations. Appendices A, B, C, and D of this agreement contain specific information on the matching programs that we will conduct under this agreement.

This agreement is executed in compliance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1998, and the regulations and guidance promulgated thereunder.

C. Authority for Conducting the Matching Program

The legal authority for SSA to conduct this matching activity for SSI purposes is in section 1631(e)(1)(B) and (f) of the Social Security Act (Act) (42 U.S.C. 1383(e)(1)(B) and (f)) and for the SVB purposes is in section 806 of the Act (42 U.S.C. 1006). Section 224 of the Act (42 U.S.C. 424a) provides for the reduction of Social Security disability benefits when the disabled worker is also entitled to a Public Disability Benefit.

Section 1631(f) of the Act requires Federal agencies to furnish us with information necessary to verify eligibility, and section 224(h)(1) of the Act requires any Federal agency to provide us with information in its possession that we may require for the purposes of making a timely determination of the amount of reduction under section 224 of the Act.

D. Categories of Records and Persons Covered by the Matching Program

OPM will provide us with an electronic file containing civil service benefit and payment data from the annuity and survivor master file. The **Federal Register** designation for the OPM file is OPM/Central—1 Civil Service Retirement and Insurance Records. Pursuant to 5 U.S.C. 552a(b)(3), OPM established routine uses to disclose the subject information to us.

Each record on the OPM file will be matched for Social Security Number (SSN) verification to our Master Files of SSN Holders and SSN Applications. The **Federal Register** designation for the SSA file is Master Files of SSN Holders and SSN Applications, SSA/OSR, 60–0058. Those records verified will then be matched to our SSI and SVB payment information maintained in the Social Security record (SSR) and SVB. The **Federal Register** designation for the SSA file is SSR and SVB, SSA/OSR, 60–0103.

E. Inclusive Dates of the Matching Program

The effective date for these matching programs is April 13, 2013, provided that the following notice periods have lapsed: 30 days after publication of this notice in the **Federal Register** and 40 days after notice of the matching program is sent to Congress and OMB. The matching programs will continue for 18 months from the effective date and, if both agencies meet certain

conditions, they may extend for an additional 12 months thereafter.

[FR Doc. 2013–05977 Filed 3–14–13; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 8238]

Culturally Significant Objects Imported for Exhibition Determinations: ''The Dead Sea Scrolls: Life and Faith in Ancient Times'' Formerly Titled ''The Dead Sea Scrolls: Life and Faith in Biblical Times''

ACTION: Notice, correction.

SUMMARY: On October 12, 2011, notice was published on page 63341 of the **Federal Register** (volume 76, number 197) of determinations made by the Department of State pertaining to the exhibition ''The Dead Sea Scrolls: Life and Faith in Biblical Times.'' The referenced notice was corrected on October 19, 2012, by a notice published on pages 64373–64374 of the **Federal Register** (volume 77, number 203) to change the exhibition name to ''The Dead Sea Scrolls: Life and Faith in Ancient Times'' and to include additional objects as part of the exhibition. Today's notice is being issued to include an additional object in the exhibition. Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that an additional object to be included in the exhibition ''The Dead Sea Scrolls: Life and Faith in Ancient Times,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The additional object is imported pursuant to loan agreements with the foreign owner or custodian. I also determine that the exhibition or display of the additional exhibit object at the Cincinnati Museum Center, Cincinnati, OH, from on or about March 18, 2013, until on or about April 13, 2013, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the additional exhibit object, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: March 8, 2012.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–06037 Filed 3–14–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8239]

Culturally Significant Objects Imported for Exhibition Determinations: ''Le Corbusier: An Atlas of Modern Landscapes''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Le Corbusier: An Atlas of Modern Landscapes,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Museum of Modern Art, New York, NY, from on or about June 9, 2013, until on or about September 23, 2013, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: March 11, 2013.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–06036 Filed 3–14–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8237]

Notice of Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) and To Conduct Scoping and To Initiate Consultation consistent With the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA) for the Proposed Enbridge Energy, Limited Partnership, Line 67 Capacity Expansion Project

SUMMARY: The purpose of this notice is to inform the public that the Department of State (the Department) will be preparing a Supplemental Environmental Impact Statement for the proposed Enbridge Energy, Limited Partnership, Line 67 Capacity Expansion Project. Under E.O. 13337, the Secretary of State is authorized to issue Presidential Permits for the construction, connection, operation, or maintenance at the borders of the United States, of facilities for the exportation or importation of liquid petroleum, petroleum products, or other non-gaseous fuels to or from a foreign country.

Enbridge Energy (Enbridge) has applied to the Department for an amendment to their current Presidential Permit authorizing it to operate at a higher capacity the existing crude oil pipeline (known as ''Line 67''). To approve the amendment, the Department of State must find that issuance would serve the national interest. In the course of processing such applications, the Department consults extensively with concerned Federal and State agencies, and invites public comment in arriving at its determination.

The Department issued a Final Environmental Impact Statement (FEIS) on June 5, 2009, as part of its review of the initial Presidential Permit application for Line 67. On August 3, 2009, the Department issued a Presidential Permit authorizing the construction, operation and maintenance of facilities at the U.S.-Canada border for Line 67 (known at the time of permit issuance as the ''Alberta Clipper'' pipeline). Enbridge completed construction of Line 67 in 2010

pursuant to the original Presidential Permit issued by the Department. Line 67 is currently fully operational, transporting 450,000 to 500,000 barrels per day (bpd) of crude oil across the border from the Western Canadian Sedimentary Basin to Enbridge's terminal located in Superior, Wisconsin. From there, the material is shipped to various markets in the United States and Canada.

Enbridge is now proposing to expand the volume transported across the border in the Line 67 Pipeline in order to help address current and future demand by U.S. and Canada refineries for supplies of heavy crude oil from the Western Canadian Sedimentary Basin (WCSB) (''the Enbridge Energy, Line 67 Expansion Project'').

The Department has determined that before determining whether to authorize the proposed higher capacity operation of Line 67 at the U.S. border, it will conduct an environmental review of the Project consistent with the National Environmental Policy Act (''NEPA''). The Department will evaluate the impacts associated with operating Line 67 at its full design capacity of 880,000 bpd.

The purpose of this Notice of Intent (NOI) is to inform the public about the proposed action, announce plans for scoping opportunities, invite public participation in the scoping process, and solicit public comments for consideration in establishing the scope and content of the SEIS.

SUPPLEMENTARY INFORMATION:

Project Description

The proposed Project is an international project designed to increase transport of crude oil from Enbridge's facilities in Hardisty, Alberta to an Enbridge terminal in Superior, Wisconsin. In the United States, Line 67 extends 326.9 miles from the U.S.-Canada border near Neche, North Dakota through North Dakota, Minnesota and Wisconsin to the Superior Terminal. From there, the crude is transported by pipeline to primarily Midwestern markets and mid-central and Gulf Coast markets, as well as points in the Eastern United States and Canada. Specifically, Enbridge proposes to expand capacity of the Line 67 Pipeline to 570,000 bpd, and seeks authority to operate the U.S. border facilities at the full design capacity of 880,000 bpd in the event of further expansion in the future.

Enbridge proposes to increase the capacity up to 570,000 bpd by adding horsepower to existing pumping units inside of the current footprint of Enbridge's Viking, Clearbrook, and Deer River pump stations in Minnesota. Enbridge applied to the Minnesota Public Utilities Commission (MPUC) on October 8, 2012 to add additional horsepower to these pumping stations. Enbridge further seeks authority to increase the capacity from 570,000 bpd to the full design capacity of 880,000 bpd at a point in the future by constructing additional pumping units at Enbridge's pump stations in Minnesota. The footprint of Enbridge's pump stations will be modified as a result of such construction. Prior to constructing these additional pump units at some point in the future, Enbridge will file an additional application with the MPUC.

Enbridge is also planning to construct two new storage tanks inside of the footprint of Enbridge's Superior terminal in Wisconsin. Enbridge will apply to the U.S. Army Corps of Engineers (''Corps'') for a permit to construct the tanks as there may be wetland impacts associated with the construction and operation of the new tanks. Enbridge must also seek approval from Wisconsin Department of Natural Resources to construct the additional two tanks.

The SEIS Process

The Department, consistent with NEPA, will take into account the environmental impacts that could result from the approval of a Presidential Permit authorizing construction, operation, and maintenance of pipeline facilities for the transport of crude oil located at the international border of the United States and Canada. The Department will use the SEIS to assess the environmental impacts that could result if Enbridge Energy, Limited Partnership is granted a Presidential permit to operate the U.S. border facilities at the higher capacities anticipated with the proposed Line 67 Capacity Expansion Project. The SEIS will supplement the FEIS of June 5, 2009, by including information and analysis about potential impacts associated with the proposed increased volume of crude oil, as well as any other subjects that may need to be updated because there exist significant new circumstances or information relevant to environmental concerns bearing on the proposed action or its impacts. The Department has selected ICF International as a Third-Party Contractor to help prepare the SEIS. The SEIS will be prepared under the direction of the Department and will be reviewed by the cooperating agencies.

In the SEIS, the Department will discuss impacts that could occur as a result of the construction and operation of the revised proposed project under these general headings:

- Geology and soils;
- Water resources;
- Fish, wildlife, and vegetation;
- Threatened and endangered species;
- Cultural resources;
- Land use, recreation and special interest areas;
- Visual resources;
- Air quality and noise;
- Socioeconomics;
- Environmental Justice; and,
- Reliability and safety.

In the SEIS, the Department will also evaluate reasonable alternatives, including a ''no action alternative,'' to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on affected resources.

The Department's independent analysis of the issues will be included in a draft SEIS. The draft SEIS will be published and mailed to relevant Federal, State, and local government agencies, elected officials, environmental and public interest groups, Indian tribes, affected landowners, commenters, local libraries, newspapers, and other interested parties. You are encouraged to become involved in this process and provide your specific comments or concerns about the proposed project. By becoming a commenter, your concerns will be considered by the Department and addressed appropriately in the SEIS.

The Department will consider all timely comments on the draft SEIS and revise the document, as necessary, before issuing a final SEIS.

Issued in Washington, DC on March 11, 2013:

DATES: The Department invites interested agencies, organizations, and members of the public to submit comments or suggestions to assist in identifying significant environmental issues, measures that might be adopted to reduce environmental impacts, and in determining the appropriate scope of the SEIS. The public scoping period starts with the publication of this Notice in the **Federal Register** on March 14, 2013 and will continue until April 29, 2013. Written, electronic, and oral comments will be given equal weight and State will consider all comments received or postmarked by, April 29, 2013 in defining the scope of the SEIS. Comments received or postmarked after that date may be considered to the extent practicable.

Public scoping opportunities are designed to provide opportunities to

offer comments on the proposed project. Interested individuals and groups are encouraged to present comments on the environmental issues they believe should be addressed in the SEIS consistent with NEPA and its implementing regulations.

During this public scoping period, the Department also plans to use the scoping process to help identify consulting parties and historic preservation issues for consideration consistent with Section 106 of the NHPA and its implementing regulations (36 CFR Part 800).

ADDRESSES: Written comments or suggestions on the scope of the SEIS should be addressed to: Genevieve Walker, OES/EQT Room 2726, U.S. Department of State, Washington, DC 20520. Comments may be submitted electronically to *EnbridgeLine67permit@state.gov.* Public comments may be posted on the Web site identified below.

FOR FURTHER INFORMATION CONTACT: For information on the proposed project or to receive a copy of the draft SEIS when it is issued, contact Genevieve Walker at the address listed in the **ADDRESSES** section of this notice by electronic or regular mail as listed above, or by telephone (202) 647–9798 or by fax at (202) 647–5947.

Project details and environmental information on the Enbridge Energy, Limited Partnership application for a Presidential Permit, as well as the Presidential Permit process, are downloadable from the following Web site: *http://www.state.gov/e/enr/applicant/applicants/index.htm.*

Dated: March 11, 2013.

George N. Sibley,

Director, Office of Environmental Quality and Transboundary Issues, Department of State.

[FR Doc. 2013–06039 Filed 3–14–13; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration (FAA)

Notice of Opportunity for Public Comment on Non-Rule Making Action To Change Land Use From Aeronautical to Non-Aeronautical at Mobile Downtown Airport, Mobile, Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. Section 47153(c), notice is being given that the FAA is considering a request from the Mobile Airport Authority to waive the requirement that a 72.13 acre parcel of surplus property, located on Mobile Downtown Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before April 15, 2013.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Jackson Airports District Office, Attn: William Schuller, Program Manager, 100 West Cross Street, Suite B, Jackson, MS 39208–2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Thomas Hughes, Director of Aviation, Mobile Airport Authority at the following address: P.O. Box 88004, Mobile, AL 36608–0004.

FOR FURTHER INFORMATION CONTACT: William Schuller, Program Manager, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, (601)664–9883. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing an update to the Mobile Downtown Airport layout plan submitted by the Mobile Airport Authority. The airport layout plan update, if approved, would change the land use on 72.13 acres from aeronautical to non-aeronautical. The property will then be leased for Commercial Development. The location of the land relative to existing or anticipated aircraft noise contours greater than 65ldn are not considered to be an issue. The proceeds from the lease 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 Mobile Downtown Airport.

Issued in Jackson, Mississippi, on March 7, 2013.

Rans D. Black,

Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 2013–06048 Filed 3–14–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2013–0008]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by May 14, 2013.

ADDRESSES: You may submit comments identified by DOT Docket ID 2013–0008 by any of the following methods:

Web Site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: 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. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lafayette Melton, 202–366–2907, Office of Human Resources, Corporate Recruitment and Career Entry Division, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: DOT–FHWA Summer Transportation Internship Program for diverse Groups (STIPDG).

Background: 23 U.S.C. 140(b) Section 5204—Training and Education/Surface Transportation Workforce Development, Training, and Education states that subject to project approval by the Secretary, a State may obligate funds apportioned to the State for five primary

core programs (STP, NHS, Bridge, IM, CMAQ), workforce development, training, and education, including student internships; university or community college support; and outreach to develop interest and promote participation in surface transportation careers. The Summer Transportation Internship Program for Diverse Groups (STIPDG) is an important part of U.S. DOT's intermodal effort to promote the entry of women, persons with disabilities, and members of diverse groups into transportation careers where traditionally these groups have been under-represented. Accordingly, The Federal Highway Administrations' Office of Civil rights will continue to actively support the STIPDG by working closely with FHWA's Office of Human Resources, specifically the Student Outreach and Career Entry Group, which has responsibility for administering the program, to include participation and placement of college students, DOT-wide, and for all occupational disciplines, to include summer intern placement DOT-wide and nationwide.

The STIPDG accepts approximately 500 applications each year and as a result, places as few and 60 and as many as 120 undergraduate, graduate, and law students in transportation-related, non-administrative, technical, hands-on assignments with a Federal or State mentor providing on-the- job training. The STIPDG provides college students with an opportunity to work on current transportation-related topics and issues identified in, or directly pertaining to, the current DOT Strategic Plan. The STIPDG is open to all qualified applicants regardless of race, color, religion, sex, national origin, political affiliation, sexual orientation, marital status, disability, age, membership in an employee organization, or other non-merit factor.

The STIPDG is open to all applicants based on the eligibility requirements that follow and based on the merit of the ''Required Documents'' listed in bulleted-format below

1. Applicants must be currently enrolled in degree-granting programs of study at accredited U.S. institutions of higher education recognized by the U.S. Department of Education.

2. Undergraduate applicants must *be juniors or seniors for the fall of 2013.* Undergraduate applicants from Junior, Tribal, or Community Colleges *must have completed their first year.*

3. Law Applicants must be *entering their second or third year of law school in the fall of 2013.*

4. Applicants who are scheduled to graduate during the coming spring or summer semesters are not eligible for consideration for the STIPDG *unless:* (1) They have been accepted for graduate school enrollment; (2) they have been accepted for enrollment at an institution of higher education; or (3) their acceptance is pending. *In all instances, the applicant must submit with their completed application packages, documentation (with the school's logo) reflecting their status.* (There will be no exceptions.)

5. Former STIPDG interns may apply but will not receive preferential consideration.

6. Applicants will be evaluated based on the ''completeness of the application and the Required Documents'' listed below. Priority will be given to those with GPA's of 3.0 or better (for the Major and/or cumulatively).

7. Applicants must be available and able to participate in the entire 10-week program.

Respondents: Approximately 500 applicants consisting of undergraduate, graduate and law students. All applicants must be U.S. Citizens.

Frequency: Annually.

Estimated Average Burden per Response: Approximately two hours to complete and submit the application.

Estimated Total Annual Burden Hours: Approximately 1000 hours annually.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: March 12, 2013.

Michael Howell,

Information Collection Officer.

[FR Doc. 2013–06055 Filed 3–14–13; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013 0024]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CAPRICE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 15, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0024. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel CAPRICE is:

Intended Commercial Use of Vessel: ''San Francisco Bay Charters''.

Geographic Region: ''California''.

The complete application is given in DOT docket MARAD–2013–0024 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-

flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: February 28, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–05938 Filed 3–14–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35718]

Grainbelt Corporation—Acquisition and Operation Exemption—BNSF Railway Company

Grainbelt Corporation (GNBC), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from BNSF Railway Company (BNSF), the real property underlying a 178.7-mile line of railroad between milepost 588.3 near Enid, and milepost 767.0 near Frederick, in Garfield, Tillman, Major, Blaine, Dewey, Custer, Washita, and Kiowa, Counties, Okla. (the Line).

GNBC currently owns and operates the facilities that comprise the Line,[1] and leases the underlying property from BNSF. GNBC and BNSF are entering into an agreement in which GNBC will acquire the underlying property of the Line and terminate the lease.

GNBC has certified that its projected annual revenues as a result of this transaction will not result in GNBC's becoming a Class II or Class I rail carrier but that its projected annual revenue will exceed $5 million. Accordingly, GNBC is required, at least 60 days before this exemption is to become effective, to send notice of the transaction to the national offices of the labor unions with employees on the affected lines, post a copy of the notice at the workplace of the employees on the affected lines, and certify to the Board that it has done so. 49 CFR 1150.42(e).

GNBC, concurrently with its notice of exemption, filed a petition for waiver of the 60-day advance labor notice requirement under § 1150.42(e), asserting that no employees will be affected by the acquisition of the underlying property of the Line because there will be no changes for any employees working on the Line. GNBC already owns the rail facilities and has been the sole operator of the Line since 1987, and will continue to be the sole operator once the transaction has been completed. GNBC states no employees have worked on the Line since 1987 and no BNSF employees will be affected or have to make any career choices as a result of the sale. GNBC also states that posting notices on the Line would not provide notice to any BNSF employees because no BNSF employees work on the Line. GNBC further states that the transaction will not result in any operational or maintenance changes on the Line and no GNBC employees will be affected.[2] GNBC's waiver request will be addressed in a separate decision.

GNBC states that it intends to consummate the transaction on March 31, 2013, subject to the waiver of the labor notice requirement. The Board will establish in the decision on the waiver request the earliest this transaction may be consummated.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than March 25, 2013.

An original and 10 copies of all pleadings, referring to Docket No. FD 35718, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Eric M. Hocky, Thorp Red & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

Board decisions and notices are available at our Web site at *www.stb.dot.gov.*

Decided: March 12, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2013–06035 Filed 3–14–13; 8:45 am]

BILLING CODE 4915–01–P

[1] *See Grainbelt Corp.—Exemption Acquis. and Operation of Certain Lines of Burlington N. R.R.,* FD 31094 (ICC served Sept. 18, 1987). Originally, GNBC acquired 186.4 miles of rail line from BNSF in the September 1987 proceeding, but GNBC abandoned a 7.7-mile portion of the Line between milepost 767.0 near Frederick and milepost 774.7 at Davison, in Tillman County, Okla. *See Grainbelt Corp.—Abandonment Exemption—in Tillman Cnty., Okla.,* AB 424 (Sub-No. 1X) (ICC served Oct. 4, 1994).

[2] According to GNBC, GNBC employees are not unionized.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35721]

Iowa Pacific Holdings, LLC, Permian Basin Railways, and San Luis & Rio Grande Railroad—Corporate Family Transaction Exemption—Massachusetts Coastal Railroad, LLC

Iowa Pacific Holdings, LLC (IPH), its wholly owned subsidiaries Permian Basin Railways (PBR) and San Luis & Rio Grande Railroad (SLRG), and Massachusetts Coastal Railroad, LLC (Mass Coastal) (collectively, applicants), have jointly filed a verified notice of exemption under 49 CFR 1180.2(d)(3) for a corporate family transaction pursuant to which the applicants would reorganize their corporate structure.

According to the applicants, IPH is a noncarrier that wholly owns PBR, which directly controls seven Class III railroads.[1] PBR controls, indirectly through SLRG, an eighth Class III railroad, the Saratoga & North Creek Railway, LLC (Saratoga). In addition, PBR controls 80% of Cape Rail, Inc. (Cape Rail), a noncarrier railroad holding company. Cape Rail owns two railroad subsidiaries, Mass Coastal, a Class III railroad, and Cape Cod Central, a noncarrier intrastate excursion passenger railroad outside the Board's jurisdiction. Thus, PBR controls Mass

[1] These railroads are: (1) SLRG; (2) Austin & Northwestern Railroad operating as the Texas-New Mexico Railroad; (3) Chicago Terminal Railroad; (4) Mount Hood Railroad; (5) Rusk, Palestine & Pacific Railroad, LLC; (6) Santa Cruz and Monterey Bay Railway Company; and (7) West Texas & Lubbock Railway.

Coastal, its ninth Class III carrier, indirectly through Cape Rail.[2]

The applicants propose to reorganize their corporate structure by transferring 100% control of Mass Coastal from its current direct owner, Cape Rail, to SLRG. Thus, according to the applicants, IPH, through PBR, will control 100% of Mass Coastal through SLRG rather than through Cape Rail.[3] In addition, the applicants state that Cape Rail will no longer be subject to Board jurisdiction because its only remaining subsidiary (Cape Cod Central) would be an intrastate excursion passenger railroad outside Board jurisdiction.

Unless stayed, the exemption will be effective on March 29, 2013 (30 days after the verified notice was filed). Applicants state that they intend to consummate the proposed transaction on or about April 1, 2013.

According to the applicants, the purpose of this transaction is to transfer direct control over Mass Coastal from Cape Rail to SLRG for various tax and commercial reasons. This transfer will also allow Cape Rail to concentrate its energies on Cape Cod Central, the intrastate excursion passenger railroad it will continue to own.

Applicants state that the transaction qualifies for the class exemption for corporate family transactions under 49 CFR 1180.2(d)(3) and have not indicated that the transaction would result in adverse changes in service levels, significant operational changes, or any changes in the competitive balance with carriers outside the corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III rail carriers.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than March 22, 2013 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35721, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on John D. Heffner, Strasburger & Price, LLP, 1700 K Street NW., Suite 640, Washington, DC 20006.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: March 11, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2013–05961 Filed 3–14–13; 8:45 am]

BILLING CODE 4915–01–P

[2] *See Iowa Pac. Holdings, LLC & Permian Basin Rys.—Control Exemption—Cape Rail, Inc. & Mass. Coastal R.R.,* FD 35684 (STB served October 26, 2012).

[3] As a result of this transaction, SLRG would control two common carrier railroads, Saratoga & North Creek Railway and Mass Coastal.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35719]

Grainbelt Corporation—Trackage Rights Exemption—BNSF Railway Company and Stillwater Central Railroad Company

Pursuant to written trackage rights agreements dated February 1, 2013, and February 26, 2013, respectively, BNSF Railway Company (BNSF) and Stillwater Central Railroad Company (SLWC) have each agreed to amend their trackage rights agreements with Grainbelt Corporation (GNBC),[1] which together will allow GNBC to provide local service to a grain shuttle facility in Headrick, Okla. Specifically, BNSF is amending its trackage rights with GNBC regarding service over the connecting line between the connection with SLWC east of Long (milepost 668.73) and Altus (milepost 688.00), and SLWC is amending its trackage rights with GNBC regarding service between Snyder Yard (milepost 664.00) and its connection with BNSF east of Long (milepost 668.73).[2] The transaction may be consummated on or after March 30, 2013, the effective date of the exemption (30 days after the verified notice was filed). The purpose of this transaction is to allow GNBC to provide local service between the grain shippers located on GNBC and the grain shuttle facility located at Headrick in single line service. The parties' agreements provide that the trackage rights are temporary in nature and are scheduled to expire automatically in 10 years.[3] As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease and Operate—California Western Railroad,* 360 I.C.C. 653 (1980) (*N&W*).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption if void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by March 22, 2013 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35719, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Thorp Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: March 12, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2013–06025 Filed 3–14–13; 8:45 am]

BILLING CODE 4915–01–P

[1] GNBC already holds overhead trackage rights granted by the predecessor of BNSF between Snyder Yard (milepost 664.00) and Quanah, Tex. (milepost 723.30), under which GNBC has the right to interchange at Quanah with BNSF and Union Pacific Railroad Company. BNSF subsequently sold a portion of the subject trackage to SLWC. The original trackage rights were supplemented in 2009 to allow GNBC to operate between Snyder and Altus, Okla., with the right to perform limited local service at Long, Okla. *See Grainbelt Corp.—Trackage Rights Exemption—BNSF Ry. and Stillwater Cent. R.R.,* FD 35332 (STB served Dec. 17, 2009). The original and supplemental trackage rights will not be affected by the amended trackage rights that are the subject of this proceeding.

[2] Redacted versions of the trackage rights agreements between GNBC/BNSF and GNBC/SLWC were filed with the notice of exemption. The full versions of the agreements, as required by 49 CFR 1180.6(a)(7)(ii), were concurrently filed under seal along with a motion for protective order. That motion will be addressed in a separate decision.

[3] GNBC states that this filing is related to a simultaneously filed petition in Docket No. 35719 (Sub-No. 1) for partial revocation of the exemption to permit the amended trackage rights to automatically expire in 10 years. The Board will address that petition in a subsequent decision.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

OFAC Implementation of Certain Sanctions Imposed on SYTROL by the Secretary of State Pursuant to the Iran Sanctions Act of 1996, as Amended

SUB-AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is taking action to implement certain of the sanctions imposed on SYTROL by the Secretary of State pursuant to the Iran Sanctions Act of 1996 (Pub. L. 104–172) (50 U.S.C. 1701 note) (''ISA''), as amended by the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Pub. L. 111–195) (22 U.S.C. 8501–8551) (''CISADA'').

DATES: OFAC's action to implement the sanctions on SYTROL was taken on August 10, 2012. The effective date of this action is March 7, 2013 or the date of actual notice, whichever is earlier.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance and Evaluation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*) and via facsimile through a 24-hour fax-on demand service, tel.: (202) 622–0077.

Background

ISA, as amended by CISADA, requires the Secretary of State, pursuant to authority delegated by the President, to impose or waive sanctions on persons determined to have made certain investments in Iran's energy sector or to have engaged in certain activities relating to Iran's refined petroleum sector. Executive Order 13574 of May 23, 2011, ''Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Sanctions Act of 1996, as Amended,'' requires the Secretary of the Treasury, pursuant to authority under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), to implement certain of the sanctions imposed by the Secretary of State under ISA, as amended by CISADA. On August 10, 2012, the President signed into law the Iran Threat Reduction and Syria Human Rights Act of 2012 (Pub. L. 112–158) (22 U.S.C. 8701–8795) (the ''TRA''), which further amends ISA in order to strengthen the sanctions imposed against Iran. Executive Order 13628 of October 9, 2012, ''Authorizing Additional Sanctions With Respect to Iran,'' requires the Secretary of the Treasury, pursuant to authority under IEEPA, to implement certain of the sanctions imposed by the Secretary of State under ISA, as amended by CISADA and the TRA.

The Secretary of the Treasury is responsible for implementing the following sanctions under ISA, as amended by CISADA and the TRA: (i) With respect to section 6(a)(3), to prohibit any United States financial institution from making loans or providing credits to a person sanctioned under ISA consistent with section 6(a)(3) of ISA; (ii) with respect to section 6(a)(6), to prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which a person sanctioned under ISA has any interest; (iii) with respect to section 6(a)(7), to prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involved any interest of a person sanctioned under ISA; (iv) with respect to section 6(a)(8), to block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any overseas branch, of a person sanctioned under ISA, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; (v) with respect to section 6(a)(9), to prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of a person sanctioned under ISA; (vi) with respect to section 6(a)(11), to impose on the principal executive officer or officers, or persons performing similar functions and with similar authorities, of a person sanctioned under ISA the sanctions described in sections 6(a)(3), 6(a)(6), (6)(a)(7), 6(a)(8), 6(a)(9), or 6(a)(12) of ISA, as selected by the President, Secretary of State, or Secretary of the Treasury, as appropriate; and (vii) with respect to section 6(a)(12), to restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from a person sanctioned under ISA.

Prior to the enactment of the TRA, the Secretary of State imposed sanctions pursuant to ISA, as amended by CISADA, on SYTROL. *See* 77 FR 59034 (Sep. 25, 2012), which provides the name of the person subject to sanctions, as well as a complete list of the sanctions imposed on this person. Pursuant to Executive Order 13574, the Secretary of the Treasury is responsible for implementing certain of the sanctions imposed by the Secretary of State. Accordingly, the Director of OFAC, acting pursuant to delegated authority, has taken the actions described below to implement those sanctions set forth in Executive Order 13574 with respect to the person listed below.

1. SYTROL, Prime Minister Building, 17 Street Nissan, Damascus, Syria [SYRIA] [ISA]

The Director of OFAC has: (a) Blocked all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any overseas branch, and which may not be transferred, paid, exported, withdrawn, or otherwise dealt in, of SYTROL; and (b) prohibited any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involved any interest of SYTROL. SYTROL, which has been added to OFAC's List of Specially Designated Nationals and Blocked Persons, includes the identifying tag ''ISA.''

Dated: March 7, 2013.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2013–06023 Filed 3–14–13; 8:45 am]

BILLING CODE 4810–AL–P

FEDERAL REGISTER

Vol. 78 Friday,

No. 51 March 15, 2013

Part II

Department of Commerce

50 CFR Part 648

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework Adjustment 24 and Framework Adjustment 49; Proposed Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 121129661–3160–01]

RIN 0648–BC81

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework Adjustment 24 and Framework Adjustment 49

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to approve and implement regulations through Framework Adjustment 24 to the Atlantic Sea Scallop Fishery Management Plan (Framework 24), which the New England Fishery Management Council adopted and submitted to NMFS for approval. Framework 24 would set specifications for the Atlantic sea scallop fishery for the 2013 fishing year, including days-at-sea allocations, individual fishing quotas, and sea scallop access area trip allocations. This action would also set precautionary default fishing year 2014 specifications, in case the New England Fishery Management Council delays the development of the next framework, resulting in implementation after the March 1, 2014, start of the 2014 fishing year, and transitional measures are needed. In addition, Framework 24 adjusts the Georges Bank scallop access area seasonal closure schedules, and because that changes exemptions to areas closed to fishing specified in the Northeast Multispecies Fishery Management Plan, Framework 24 must be a joint action with that plan (Framework Adjustment 49). Framework 24 also continues the closures of the Delmarva and Elephant Trunk scallop access areas, refines the management of yellowtail flounder accountability measures in the scallop fishery, makes adjustments to the industry-funded observer program, and provides more flexibility in the management of the individual fishing quota program.

DATES: Comments must be received by 5 p.m., local time, on April 1, 2013.

ADDRESSES: The New England Fishery Management Council developed an environmental assessment (EA) for this action that describes the proposed action and other considered alternatives and provides a thorough analysis of the impacts of the proposed measures and alternatives. Copies of the Joint Frameworks, the EA, and the Initial Regulatory Flexibility Analysis (IRFA), are available upon request from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

You may submit comments on this document, identified by NOAA–NMFS–2013–0014, 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-2013-0014*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* John K. Bullard, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on Scallop Framework 24 Proposed Rule.''
- *Fax:* (978) 281–9135, Attn: Emily Gilbert.

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: Emily Gilbert, Fishery Policy Analyst, 978–281–9244; fax 978–281–9135.

SUPPLEMENTARY INFORMATION:

Background

The management unit of the Atlantic sea scallop fishery (scallop) ranges from the shorelines of Maine through North Carolina to the outer boundary of the Exclusive Economic Zone. The Atlantic Sea Scallop Fishery Management Plan (Scallop FMP), first established in 1982, includes a number of amendments and framework adjustments that have revised and refined the fishery's management. The New England Fishery Management Council (Council) sets scallop fishery specifications through framework adjustments that occur annually or biennially. This action includes allocations for fishing year (FY) 2013, as well as other scallop fishery management measures.

The Council adopted Framework Adjustment 24 to the Scallop FMP (Framework 24) on November 15, 2012, initially submitted it to NMFS on January 22, 2013, for review and approval, and submitted a revised final framework document on February 15, 2013. Framework 24 specifies measures for FY 2013, but includes FY 2014 measures that will go into place as a default, should the next specifications-setting framework be delayed beyond the start of FY 2014. NMFS will implement Framework 24, if approved, after the start of FY 2013; FY 2013 default measures are in place starting March 1, 2013. Because some of the FY 2013 default allocations are higher than what are proposed under Framework 24, the Council included ''payback'' measures, which are identified and described below, to address unintended consequences of the projected late implementation of this action. This action includes some measures that are not explicitly proposed in Framework 24, but NMFS is proposing them under the authority of section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which provides that the Secretary of Commerce may promulgate regulations necessary to ensure that amendments to an FMP are carried out in accordance with the FMP and the MSA. These measures, which are identified and described below, are necessary to address unintended consequences of the projected late implementation of this action, as well as to clarify implied measures which may not have been explicitly included in Framework 24. The Council has reviewed the Framework 24 proposed rule regulations as drafted by NMFS and deemed them to be necessary and appropriate as specified in section 303(c) of the MSA.

Specification of Scallop Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), and Set-Asides for FY 2013 and Default Specifications for FY 2014

The Council sets the OFL based on a fishing mortality rate (F) of 0.38, equivalent to the F threshold updated through the most recent scallop stock assessment. The Council sets the ABC and the equivalent total ACL for each FY based on an F of 0.32, which is the

F associated with a 25-percent probability of exceeding the OFL. The Council's Scientific and Statistical Committee (SSC) recommended scallop fishery ABCs for FYs 2013 and 2014 of 46.3 M lb (21,004 mt) and 52.2 M lb (23,697 mt), respectively, after accounting for discards and incidental mortality. The SSC will reevaluate an ABC for FY 2014 in conjunction with the next biennial framework adjustment.

Table 1 outlines the various scallop fishery catch limits that are derived from these ABC values. After deducting the incidental target total allowable catch (TAC) and the research and observer set-asides, the Council proportions out the remaining ACL available to the fishery according to Amendment 11 to the Scallop FMP (Amendment 11; 72 FR 20090; April 14, 2008) fleet allocations, with 94.5 percent allocated to the limited access (LA) scallop fleet (i.e., the larger ''trip boat'' fleet), 5 percent allocated to the limited access general category (LAGC) individual fishing quota (IFQ) fleet (i.e., the smaller ''day boat'' fleet), and the remaining 0.5 percent allocated to LA scallop vessels that also have LAGC IFQ permits. These separate ACLs and their corresponding ACTs are referred to as sub-ACLs and sub-ACTs, respectively, throughout this action. Amendment 15 (76 FR 43746; July 21, 2011) specified that no buffers to account for management uncertainty are necessary in setting the LAGC sub-ACLs, meaning that the LAGC sub-ACL would equal the LAGC sub-ACT. As a result, the LAGC sub-ACL values in Table 1, based on an F of 0.32, represent the amount of catch from which IFQ percent shares will be applied to calculate each vessel's IFQ for a given FY. For the LA fleet, the Council set a management uncertainty buffer based on the F associated with a 75-percent probability of remaining below the F associated with ABC/ACL, which results in an F of 0.28.

TABLE 1—SCALLOP CATCH LIMITS FOR FYS 2013 AND 2014 FOR BOTH THE LA AND LAGC IFQ FLEETS

	2013	2014
OFL	31,555 mt (69,566,867 lb)	31,110 mt (68,585,801 lb).
ABC/ACL	21,004 mt (46,305,894 lb)	23,697 mt (52,242,952 lb).
Incidental TAC	22.7 mt (50,000 lb)	22.7 mt (50,000 lb).
Research Set-Aside (RSA)	567 mt (1,250,000 lb)	567 mt (1,250,000 lb).
Observer Set-aside (1 percent of ABC/ACL)	210 mt (463,059 lb)	237 mt (522,429 lb).
LA sub-ACL (94.5 percent of total ACL, after deducting set-asides and incidental catch).	19,093 mt (42,092,979 lb)	21,612 mt (47,647,385 lb).
LA sub-ACT (adjusted for management uncertainty).	15,324 mt (33,783,637 lb)	15,428 mt (34,012,918 lb).
LAGC IFQ sub-ACL (5.0 percent of total ACL, after deducting set-asides and incidental catch).	1,010 mt (2,227,142 lb)	1,144 mt (2,521,026 lb).
LAGC IFQ sub-ACL for vessels with LA scallop permits (0.5 percent of total ACL, after deducting set-asides and incidental catch).	101 mt (222,714 lb)	114 mt (252,103 lb).

These allocations do not account for any adjustments that NMFS would make year-to-year if annual landings exceeded the scallop fishery's ACLs, resulting in triggering accountability measures (AMs).

This action would deduct 1.25 M lb (567 mt) of scallops annually for FYs 2013 and 2014 from the ABC and set it aside as the Scallop RSA to fund scallop research and to compensate participating vessels through the sale of scallops harvested under RSA projects. Beginning March 1, 2013, this set-aside is available for harvest by RSA-funded projects in open areas and the Hudson Canyon (HC) Access Area. Framework 24 would update the access area rotation schedule, and once this action is approved and implemented, applicable vessels would be also able to harvest RSA from other access areas (i.e., Closed Area 1 (CA1), Closed Area 2 (CA2), and Nantucket Lightship (NLS)).

This action would also remove 1 percent from the ABC and set it aside for the industry-funded observer program to help defray the cost of carrying an observer. The observer set-aside for FYs 2013 and 2014 are 210 mt (463,059 lb) and 237 mt (522,429 lb), respectively.

Open Area Days-at-Sea (DAS) Allocations

This action would implement vessel-specific DAS allocations for each of the three LA scallop DAS permit categories (i.e., full-time, part-time, and occasional) for FYs 2013 and 2014 (Table 2). FY 2014 DAS allocations are precautionary, and are set at 75 percent of what current biomass projections indicate could be allocated to each LA scallop vessel for the entire FY so as to avoid over-allocating DAS to the fleet in the event that the framework that would set those allocations, if delayed past the start of FY 2014, estimates that DAS should be less than currently projected.

TABLE 2—SCALLOP OPEN AREA DAS ALLOCATIONS FOR FYS 2013 AND 2014

Permit category	FY 2013	FY 2014
Full-Time	33	23
Part-Time	13	9
Occasional	3	2

Beginning March 1, 2013, full-time, part-time, and occasional vessels will receive 26, 11, and 3 DAS, respectively. If Framework 24 is approved, the allocations for full-time and part-time allocations would increase as soon as this action is implemented.

LA Trip Allocations, the Random Allocation Process, and Possession Limits for Scallop Access Areas

Proposed access area allocations for FY 2013 are much lower than they have been in the last few FYs (i.e., about 35 percent less than FY 2012 access area trip allocations). Due in part to unusually high recruitment in the Mid-Atlantic during 1998–2008 and the extension of the Georges Bank access area boundaries in 2011, scallop biomass has been above maximum sustainable yield levels from 2003 through 2011. As a result, the Council set high scallop allocations to allow for maximum harvest of the resource. While this has been a very successful time for the scallop fishing industry, the scallop stock was not replenishing itself at a level that could sustain these high allocations indefinitely. Although all recent 2012 survey results show that

there has been a large recruitment event in the Mid-Atlantic (second only to the massive recruitment that occurred in 2001), these young scallops should not be harvested until they have had more time to grow (i.e., FY 2015 at the earliest). As a result, the proposed FY 2013 access area allocations are considerably lower than they have been in the recent past. Because it is unknown what will happen to the high levels of recruitment in the Mid-Atlantic over the course of next year (i.e., will they grow faster from warmer water or will mortality be higher than expected?), the Council decided to develop Framework 24 as a 1-year specification-setting framework, is not allocating FY 2014 default access area trips, and will wait for the 2013 survey results to develop final FY 2014 measures through the next framework adjustment (i.e., Framework 25).

Framework 24 would close both the Elephant Trunk (ET) area and the Delmarva Access Area (DMV) for FYs 2013 and 2014, continuing the current closures of these areas implemented through MSA emergency actions (77 FR 64915 (October 24, 2012) and 77 FR 73957 (December 12, 2012)). By closing the ET, this action effectively re-establishes the ET as a scallop access area for future controlled access. The Council proposes to continue the closure of these areas to protect the large number of small scallops that are located in these areas. As mentioned above, protecting these small scallops will allow them to grow to a more marketable size for harvest, likely in FY 2015 or later.

For FY 2013, full-time LA vessels would receive two 13,000-lb (5,897-kg) access area trips. Each of these trips would take place in one of two access areas available for fishing (e.g., HC, NLS, CA1, and CA2), although the specific areas to which they have access would differ (Table 3).

TABLE 3—TOTAL NUMBER OF FY 2013 FULL-TIME TRIPS BY ACCESS AREA

Access area	Number of full-time vessel trips
HC	210
DMV	0
ET	0
CA1	118
CA2	182
NLS	116
Total	*626

*There are a total of 313 full-time vessels and each vessel would receive 2 trips.

Part-time vessels would receive one FY 2013 access area trip allocation in 2013 equivalent to 10,400 lb (4,717 kg), and vessels with limited access occasional permits would receive one 2,080-lb (943-kg) trip. These trips could be taken in any single access area that is open to the fishery for FY 2013 (i.e., all areas, except ET and DMV).

In order to preserve appropriate access area allocations, there would be no access area trips allocated under FY 2014 default measures. The next framework that would replace these FY 2014 default measures (i.e., Framework 25) would include the FY 2014 access area allocations based on updated scallop projections. If Framework 25 is delayed past March 1, 2014, scallop vessels would be restricted to fishing in open areas until final FY 2014 specifications are implemented. However, vessels would be able to fish FY 2013 compensation trips in the access areas that were open in FY 2013 (e.g., HC, NLS, CA1, and CA2) for the first 60 days that those areas are open in FY 2014, or until Framework 25 is approved and implemented, whichever occurs first. Although the Council did not consider this detail in how FY 2013 compensation trips carried over into FY 2014 would be handled, NMFS proposes, after consultation with Council staff, the measure under section 305(d) authority of the MSA to provide some level of flexibility to vessel owners at the start of FY 2014. This level of effort is not expected to greatly impact the scallop resource and affect FY 2014 allocations.

In order to avoid allocating trips into access areas with scallop biomass levels not large enough to support a full trip by all 313 LA full-time vessels, Framework 24 proposes to allocate ''split-fleet'' trips into certain access areas. Framework 24 would randomly allocate two trips to each full-time vessel so that no full-time vessel has more than one trip in a given access area. To accomplish this random trip allocation assignment, the Scallop Plan Development Team (PDT) developed a system similar to the one developed in Framework Adjustment 22 to the Scallop FMP (Framework 22; 76 FR 43774; July 21, 2011), where permit numbers are selected based on a simple random number generator in Microsoft Excel and the vessels associated with a permit number would receive trip assignments into the access area(s) where they can fish. Section 2.1.3 of the Framework 24 document includes a description of the random allocation process. In order to facilitate trading trips between vessels, the Council has already proposed allocations for full-time vessels for FY 2013. These allocations are listed in Section 2.1.3 of the Framework 24 document (See **ADDRESSES**), as well as NMFS's Web site. NMFS would update these preliminary allocations, subject to NMFS approval of Framework 24 and permit renewal requirements, with any changes in vessel ownership and/or vessel replacements.

Because the proposed measures would be implemented after March 1, 2013, and the FY 2013 default access area allocations are inconsistent with the proposed allocations, it is possible that during the interim between the start of FY 2013 and the implementation of the proposed measures, a scallop vessel could take too many access area trips and/or land too many pounds of scallops. For example, when Framework 22 set the FY 2013 default allocations, it projected that more scallop biomass would be available to harvest than updated estimates indicate. As a result, the FY 2013 default access area allocations allow for a full-time vessel fish four access area trips at 18,000 lb (8,165 kg) a trip. Although vessels would not be able to fish all four access area trips prior to Framework 24's implementation because the Georges Bank access areas (i.e., CA1, CA2, and NLS) do not currently open until June 15, full-time vessels could fish one or two trips in HC. All full-time vessels have one HC trip, and half the full-time fleet has an additional HC trip under current measures. If all full-time vessels took their assigned HC trips prior to the implementation of Framework 24, up to 8.44 M lb (3,829 mt) of scallops could be harvested from HC, which is 5.71 M lb (2,591 mt) more than Framework 24 proposes to remove from that area. Because HC has a large number of small scallops in the area, such a dramatic and unintended increase in fishing mortality in that area could have very negative impacts on the scallop resource and the future fishery. To avoid this overharvest and to prevent a FY 2013 ACL overage due to this discrepancy, the Council developed a ''payback'' measure for vessels that fish default FY 2013 allocations before Framework 24 is implemented to replace those measures. Specifically, if a vessel takes FY 2013 access area trips authorized by Framework 22, it will have to give up all FY 2013 access area trips authorized to that vessel under Framework 24, plus 12 2013 open area DAS. However, vessels that take trips into HC at reduced possession limits (i.e., 13,000 lb; 5,897 kg) that are ultimately allocated those trips through Framework 24 would not be penalized if the trips are made before implementation of Framework 24.

For example, Vessel A and Vessel B, both full-time vessels, are both allocated two HC trips (18,000 lb/trip; 8,165 kg/trip), in addition to a CA2 and NLS trip, at the start of FY 2013. Under Framework 24 measures, Vessel A is allocated one trip in CA2 and one trip in CA1, and Vessel B is allocated one trip in HC and one trip in CA2 (13,000 lb/trip; 5,897 kg/trip). Because CA1, CA2, and NLS would not be open at the start of the FY, no payback measures related to these areas are needed. Between March 1, 2013, and Framework 24's implementation, Vessel A takes a HC trip and lands 18,000 lb (8,165 kg) while Vessel B takes an HC trip and lands 13,000 lb (5,897 kg). Under this scenario, once Framework 24 is implemented, because Vessel A took an HC trip, its FY 2013 allocation would be reduced to 21 DAS (33 DAS–12 DAS) and it would lose all of its FY 2013 access area trips. In this example, by taking one (or part of one) 18,000-lb (8,165-kg) trip into HC, the vessel would lose approximately 30,000 lb (13,608 kg) in DAS catch, assuming an LPUE of 2,500 lb/DAS (1,134 kg/DAS), and would lose its other 13,000-lb (5,897-kg) access area trip. By landing 18,000 lb (8,165 kg), the vessel would take a net loss of 33,000 lb (14,969 kg). If Vessel A took two HC trips (36,000 lb; 16,329 kg), it would incur a net loss of 15,000 lb (6,804 kg). Because Vessel B would be allocated an HC trip at 13,000 lb (5,897 kg) under Framework 24, that vessel would not have to payback any pounds for fishing that trip prior to Framework 24's implementation.

Although the Council did not discuss the payback measures for part-time and occasional vessels, there would still be the potential for those vessels to fish more scallops from HC than allocated under Framework 24. To make measures consistent with the full-time HC payback measures, NMFS proposes, under its MSA section 305(d) authority, similar payback measures for part-time and occasional vessels that are proportional to those proposed by the Council for full-time vessels.

At the start of FY 2013 under default measures, part-time and occasional vessels will be allocated two trips at 14,400 lb (6,532 kg) and one trip at 6,000 lb (2,722 kg), respectively. These trips can be taken in any open area, and it is possible that some vessels may choose to take all their access area trips in HC at the start of the FY, rather than wait for Framework 24's implementation, which would allocate one trip at 10,400 lb (4,717 kg) for part-time vessels and one trip at 2,080 lb (943 kg) for occasional vessels. If vessels choose to take a trip(s) into HC above their ultimate trip and possession limit as proposed under Framework 24, they would receive a reduced DAS allocation once Framework 24 was implemented. Proportionally similar to what is proposed for full-time vessels, part-time vessels would receive 5 fewer DAS (i.e., total FY 2013 allocation of 8 DAS, rather than 13 DAS) and occasional vessels would receive 1 less DAS (i.e., total FY 2013 allocation of 2 DAS, rather than 3 DAS).

This payback measure does not apply to carryover HC trips from FY 2012 (i.e., trips broken during the last 60 days of FY 2012). The regulations would allow for vessels to take these compensation trips within the first 60 days of the subsequent FY if the access area from where the trip was broken remains open.

The rationale for this payback is to protect the recruitment in HC as much as possible by providing a strong disincentive for vessels to overfish the area due to the delay in Framework 24 implementation and the FY 2013 default measures. Industry members on the Council's scallop Advisory Panel assisted in the development of these measures.

This action would also remove the measures that limit fishing effort in the Mid-Atlantic during times when sea turtle distribution overlaps with scallop fishing activity. As a result of the updated Biological Opinion, which includes updated reasonable and prudent measures, the Council is no longer required to develop those effort limitation measures through the specification-setting frameworks. If Framework 24 is approved, the measures specified in Framework 22 and currently in the regulations would cease to exist.

LAGC Measures

1. *Sub-ACL for LAGC vessels with IFQ permits.* For LAGC vessels with IFQ permits, this action proposes a 2,227,142-lb (1,010-mt) ACL for FY 2013 and an initial ACL of 2,521,026 lb (1,144 mt) for FY 2014 (Table 1). NMFS calculates IFQ allocations by applying each vessel's IFQ contribution percentage to these ACLs. These allocations assume that no LAGC IFQ AMs are triggered. If a vessel exceeds its IFQ in a given FY, its IFQ for the subsequent FY would be deducted by the amount of the overage.

Because Framework 24 would not go into effect until after the March 1 start of FY 2013, the default FY 2013 IFQ allocations, which are higher than those proposed in Framework 24, have rolled over until Framework 24 is implemented. It is possible that scallop vessels could exceed their Framework 24 IFQ allocations during this interim period between March 1, 2013, and NMFS's implementation of the proposed IFQ allocations in Framework 24. Therefore, Framework 24 specifies the following payback measure for LAGC IFQ vessels: If a vessel transfers (i.e., temporary lease or permanent transfer) all of its allocation to other vessels prior to Framework 24's implementation (i.e., transfers more than it is ultimately allocated for FY 2013), the vessel(s) that transferred in the pounds would receive a pound-for-pound deduction in FY 2013 (not the vessel that leased out the IFQ). For example, Vessel A is allocated 5,000 lb (2,268 kg) of scallops at the start of FY 2013, but would receive 3,500 lb (1,588 kg) of scallops once Framework 24 is implemented. If Vessel A transfers its full March 1, 2013, allocation of 5,000 lb (2,268 kg) to Vessel B prior to Framework 24's implementation, Vessel B would lose 1,500 lb (680 kg) of that transfer once Framework 24 is implemented.

In situations where a vessel leases out its IFQ to multiple vessels, only the vessel(s) that, in turn, leased in quota resulting in an overage would have to pay back that quota. Using the example above, if Vessel A first leases 3,000 lb (1,361 kg) of scallops to Vessel B and then leases 2,000 lb (907 kg) of scallops to Vessel C, only Vessel C would have to pay back IFQ in excess of Vessel A's ultimate FY 2013 allocation (i.e., Vessel C would have to give up 1,500 lb (680 kg) of that quota because Vessel A ultimately only had 500 lb (227 kg) of IFQ to lease out). In this example, if Vessel C already fished all of its leased-in quota, it would incur an overage of 1,500 lb (680 kg) and could either lease in more quota to make up for that overage during FY 2013, or would have that overage, along with any other overages incurred in FY 2013, applied against its FY 2014 IFQ allocation as part of the individual AM applied to the LAGC IFQ fleet.

The onus is on the vessel owners to have a business plan to account for the mid-year adjustments in lieu of these payback measures. NMFS sent a letter to IFQ permit holders providing both March 1, 2013, IFQ allocations and Framework 24 proposed IFQ allocations so that vessel owners know how much they can lease to avoid any overages incurred through leasing full allocations prior to the implementation of Framework 24.

2. *Sub-ACL for LA Scallop Vessels with IFQ Permits.* For LA scallop vessels with IFQ permits, this action proposes a 222,714-lb (101-mt) ACL for FY 2013

and an initial 252,103-lb (114-mt) ACL for FY 2014 (Table 1). NMFS calculates IFQ allocations by applying each vessel's IFQ contribution percentage to these ACLs. These allocations assume that no LAGC IFQ AMs are triggered. If a vessel exceeds its IFQ in a given FY, its IFQ for the subsequent FY would be reduced by the amount of the overage.

If a vessel fishes all of the scallop IFQ it receives at the start of FY 2013, it would incur a pound-for-pound overage that would be applied against its FY 2014 IFQ allocation, along with any other overages incurred in FY 2013, as part of the individual AM applied to the LA vessels with LAGC IFQ permits. These vessels cannot participate in the IFQ transfer program, so leasing in more quota is not an option.

3. *LAGC IFQ Trip Allocations and Possession Limits for Scallop Access Areas.* Table 4 outlines the total number of FY 2013 LAGC IFQ fleetwide access area trips. Once the total number of trips is projected to be fished, NMFS would close that access area to LAGC IFQ vessels for the remainder of FY 2013.

TABLE 4—LAGC FLEET-WIDE ACCESS AREA TRIP ALLOCATIONS FOR FY 2013

Access area	FY 2013
CA1	212
CA2	0
NLS	206
HC	317
ETA	0
DMV	0

In previous years, the Council did not allocate trips for LAGC IFQ vessels into CA2, because the Council and NMFS do not expect many of these vessels to fish in that area due to its distance from shore, and the total number of fleetwide trips only reflected 5.5 percent of each open access area. The Council proposes in Framework 24 to include 5.5 percent of the CA2 available TAC in setting LAGC IFQ fleetwide access area trip allocations, essentially shifting those CA2 trips to other access areas closer to shore, so that LAGC IFQ vessels would have the opportunity to harvest up to 5.5 percent of the overall access area TAC, not just that available in areas open to them. For example, the LAGC fishery could be allocated 217 trips in CA2 in FY 2013 (i.e., 5.5 percent of CA2's TAC) so those trips would be divided equally among the other access areas, adding about 72 additional trips per area.

In order to preserve appropriate access area allocations, there would be no access area trips allocated to LAGC IFQ vessels under FY 2014 default measures. The next framework that would replace these FY 2014 default measures (i.e., Framework 25) would include the FY 2014 access area allocations based on updated scallop projections. If Framework 25 is delayed past March 1, 2014, LAGC IFQ scallop vessels would be restricted to fishing their IFQ allocations in open areas until final FY 2014 specifications are implemented.

4. *NGOM TAC.* This action proposes a 70,000-lb (31,751-kg) annual NGOM TAC for FYs 2013 and 2014. The allocation for FY 2014 assumes that there are no overages in FY 2013, which would trigger a pound-for-pound deduction in FY 2014 to account for the overage.

5. *Scallop Incidental Catch Target TAC.* This action proposes a 50,000-lb (22,680-kg) scallop incidental catch target TAC for FYs 2013 and 2014 to account for mortality from this component of the fishery, and to ensure that F-targets are not exceeded. The Council may adjust this target TAC in the future if vessels catch more scallops under the incidental target TAC than predicted.

Adjustments to Georges Bank (GB) Access Area Closure Schedules

Framework 24 proposes to adjust the time of year when scallop vessels may fish in the GB access areas (CA1, CA2, and NLS). Because this changes exemptions to areas closed to fishing specified in the Northeast Multispecies FMP, this action is also a joint framework with that plan (Framework Adjustment 49 to the Northeast Multispecies FMP). Currently, vessels may fish in the areas from June 15 through January 31 and are prohibited from fishing in these areas from February 1 through June 14 of each FY. Instead, Framework 24 would move the CA2 closure to August 15–November 15, when bycatch of yellowtail flounder (YTF) is highest, and would eliminate the seasonal closures from CA1 and NLS. This proposed measure is based on observer data in and around the GB access areas, and on recent RSA-funded research looking at seasonal variations in scallop meat weights and YTF bycatch rates from CA1 and CA2. There is a clear pattern for CA2 for when YTF bycatch rates are highest. The Council selected the August 15–November 15 time period because that is when scallop meat weights are lowest and YTF bycatch rates are highest, meaning that the closure would promote lower scallop fishing mortality (i.e., when meat weights are lower, more scallops are harvested to meet possession limits and fishing time is increased) as well as less potential YTF bycatch. Overall YTF bycatch in CA1 and NLS is low, and there does not appear to be a strong seasonal difference. Therefore, imposing a seasonal restriction in those areas may not do much for YTF and could actually shift effort into higher YTF bycatch areas if vessels fish in open areas when NL and CA1 are closed. Because this alternative adjusts regulations implemented through the NE Multispecies FMP, Framework 24 is a joint action (Framework Adjustment 49 to the NE Multispecies FMP). If this action is approved, all areas would open in FY 2013 once Framework 24 is implemented, likely in May 2013.

Addition of LAGC Yellowtail Flounder (YTF) Accountability Measures (AMs)

The proposed action includes two alternatives that would require AMs for the LAGC fishery, one for the LAGC dredge fishery and the other for the LAGC trawl fishery. To date, the LAGC fishery does not have associated AMs for any overages to the YTF sub-ACL, but the fleet is catching more YTF than previously expected. The Council is not proposing AMs for LAGC vessels in the GB YTF stock area because catch of YTF by these vessels is negligible. AMs are only proposed for the Southern New England/Mid-Atlantic (SNE/MA) YTF stock area.

For LAGC vessels that use dredges, if the YTF sub-ACL is exceeded and an AM is triggered for the LA scallop fishery, the LAGC dredge fishery would not have an AM triggered unless their estimated catch was more than 3 percent of the sub-ACL by the scallop fishery. AMs in SNE/MA would not trigger on this fishery if dredge vessels exceed 3 percent of the sub-ACL; only if the total sub-ACL and ACL are exceeded, and the LAGC dredge fishery catches more than 3 percent of the sub-ACL. For example, if the total sub-ACL for the scallop fishery is 50 mt (110,231 lb) of YTF, and NMFS estimates that the LAGC dredge fishery will catch 1 mt (2,205 lb) of YTF, 2 percent of the sub-ACL, AMs would not trigger for this fleet even if the total sub-ACL was exceeded and LA AMs were triggered. However, if their catch is more than 3 percent of the SNE/MA YT sub-ACL (i.e., 1.5 mt (3,307 lb) of YTF), and both the overall scallop fishery's YTF sub-ACL and the YTF LA AM is triggered, an AM would also trigger for the LAGC dredge fishery. The Council designed this threshold as a way to relieve the LAGC dredge fishery from AMs if they are triggered for LA vessels, since the YTF catch from the LAGC dredge

segment of the fishery is such a small percentage of the total.

The AM closure area for LAGC dredge vessels would be identical to that currently in place for the LA fishery (statistical areas 537, 539, and 613), but the closure schedule (based on the level of the YTF sub-ACL overage) differs. The Council developed a closure schedule that leaves some of the AM area open for parts of the year when traditional LAGC dredge fishing has occurred, but closes the areas during months when YTF bycatch is higher (Table 5).

TABLE 5—LAGC DREDGE FISHERY'S PROPOSED AM CLOSURE SCHEDULE FOR STATISTICAL AREAS 537, 539, AND 613

Overage	AM Closure area and duration		
	539	537	613
2 percent or less	Mar–Apr	Mar–Apr	Mar–Apr.
2.1–7 percent	Mar–May, Feb	Mar–May, Feb	Mar–May, Feb.
7.1–12 percent	Mar–May, Dec–Feb	Mar–May, Dec–Feb	Mar–May, Feb.
12.1–16 percent	Mar–Jun, Nov–Feb	Mar–Jun, Nov–Feb	Mar–May, Feb.
16.1 percent or greater	All year	Mar–Jun, Nov–Feb	Mar–May, Feb.

For LAGC trawl vessels, the AM closure areas would be statistical areas 612 and 613. The Council proposed that the SNE/MA YTF AM for LAGC trawl vessels would be triggered two different ways:

First, the AM would be triggered if the estimated catch of SNE/MA YTF by the LAGC trawl fishery is more than 10 percent of the SNE/MA YTF sub-ACL for the scallop fishery. In this case, the AM closure season for LAGC trawl vessels would be March–June and again from December–February, a total of 7 months (i.e., the most restrictive closure in Table 6 below). For example, if the total scallop fishery SNE/MA YTF sub-ACL was 50 mt (2,205 lb), AMs would trigger for the LAGC trawl fishery if the estimated catch by that segment is more than 5 mt (11,023 lb), 10 percent of the YTF sub-ACL for the scallop fishery for that FY. Because the LAGC trawl fishery would meet the 10-percent threshold, the AM would be a 7-month closure of statistical areas 612 and 613, regardless of whether or not the scallop fishery's YTF sub-ACL was triggered. This measure is more restrictive than what the Council proposes for LAGC dredge vessels, because the LAGC trawl fishery is catching much more YTF than anticipated (i.e., in FY 2012, NMFS estimated that the LAGC trawl fishery caught 22.5 percent of the total SNE/MA YTF sub-ACL, and the LAGC dredge fishery only caught 1.5 percent).

Second, if the scallop fishery exceeds its sub-ACL overall, and total SNE/MA YTF ACL is exceeded, triggering AMs in the LA fleet, LAGC trawl vessels would be subject to their AM closure, with the length of the closure based on the extent of the YTF sub-ACL overage of the entire scallop fishery (See Table 6). Continuing the example above, if the scallop fishery exceeds its 50-mt YTF sub-ACL and the LA AM is triggered, and the LAGC trawl portion of the scallop fishery catches an estimated 2 mt (i.e., less than the 10-percent threshold), LAGC vessels would be prohibited from using trawl gear in statistical areas 612 and 613 from March through April of a following FY, based on Table 6 (See the ''Modification to the Timing of YTF AM Implementation'' section below for more information on when AMs would be triggered for the scallop fishery overall).

If both of these caveats are triggered (i.e., the trawl fishery catches more than 10 percent of the total SNE/MA YTF sub-ACL *and* the overall SNE/MA YTF sub-ACL is exceeded, triggering AMs for the LA scallop fishery), the most restrictive AM would apply (i.e., the 7-month closure from March-June, and December-February).

In order to reduce the economic impacts on this fleet, the Council proposed to allow LAGC trawl vessels to fish in the AM area during the months of July through November to enable LAGC trawl vessels to fish for scallops in that area during part of the year that they have historically fished (i.e., summer and fall). In addition, if the LAGC trawl AM is triggered, a trawl vessel could still covert to dredge gear and continue fishing for scallops. If a vessel chooses to switch gears, it must follow all dredge gear regulations, including that fishery's AM schedule if it has also been triggered.

TABLE 6—LAGC TRAWL FISHERY'S PROPOSED AM CLOSURE SCHEDULE FOR STATISTICAL AREAS 612 AND 613

Overage	AM Closure
2 percent or less	Mar–Apr.
2.1–3 percent	Mar–Apr, and Feb.
3.1–7 percent	Mar–May, and Feb.
7.1–9 percent	Mar–May, and Jan–Feb.
9.1–12 percent	Mar–May, and Dec–Feb.

TABLE 6—LAGC TRAWL FISHERY'S PROPOSED AM CLOSURE SCHEDULE FOR STATISTICAL AREAS 612 AND 613—Continued

Overage	AM Closure
12.1or greater	Mar–June, and Dec–Feb.

Modification to the Timing of YTF AM Implementation

Currently, on or about January 15 of each FY, NMFS determines whether the scallop fishery is expected to exceed the YTF flounder sub-ACLs for that FY. This determination is based on a projection that includes assumptions of expected scallop catch for the remainder of the FY, as well as YTF bycatch rates from the previous year's observer data if those data for the current FY are not available. Before the start of the next FY, NMFS announces if AMs are triggered, based on the January projection, and predefined areas close to the limited access scallop fishery based on the AM schedule in Framework 23 and the AM trigger thresholds outlined in Framework 47 to the NE Multispecies FMP (Groundfish Framework 47) (77 FR 26104; May 2, 2012). Once all the data are available for the previous year (i.e., full FY scallop landings, full FY observer data), NMFS re-estimates YTF catch and, if the new estimate shows a different conclusion when compared to the sub-ACLs than the initial projection, could re-evaluate the decision to trigger AMs.

Because we must determine whether or not the total YTF ACL has been exceeded, and because that information is not fully available until after the April 30 end of the NE multispecies FY, administering this YTF AM has been extremely complex and has resulted in continuously re-evaluating the AM determination, depending on data variability.

To streamline the process of implementing YTF AMs in the scallop fishery, and to alleviate industry confusion, Framework 24 proposes that the respective AM for each YTF stock area would be implemented at the start of the next FY (i.e., the current way YTF AMs are to be triggered) only if reliable information is available that a YTF sub-ACL has been exceeded during a FY. This approach could be used in situations where the ACL for a stock is low, an overage is known early in the FY, and AM determinations are based on actual catch and landings rather than projections.

However, if reliable information is not available to make a mid-year determination of the need to implement an AM for the YTF sub-ACL, NMFS would wait until enough information is available (i.e., when the total observer and catch data is available for that FY) before making a decision to implement an AM. Under this scenario, the AMs would be implemented in Year 3 (e.g., for an overage in FY 2013, the AM would be implemented in FY 2015).

Additional Flexibility for the LAGC IFQ Leasing Program

At the request of the LAGC IFQ fleet, the Council developed alternatives that would provide more flexibility to the LAGC IFQ leasing program by allowing transfer of quota after an LAGC IFQ vessel landed scallops in a given FY and, beginning March 1, 2014, would allow IFQ to be transferred more than once (i.e., sub-transfers). These provisions would not apply to vessels that have both an LAGC IFQ and LA scallop permit. Those vessels are prohibited from leasing or permanently transferring LAGC IFQ.

Currently, an IFQ vessel is not allowed to transfer IFQ to another vessel for the remainder of a FY if it has already landed part of its scallop IFQ for that year. This restriction was part of the original design of the scallop IFQ program implemented through Amendment 11. This action proposes to remove this prohibition, allowing a vessel more flexibility to utilize its IFQ throughout the FY. For example, if an IFQ vessel that has a base allocation of 10,000 lb (4,536 kg) only lands 2,000 lb (907 kg) before deciding to stop fishing for scallops for the remainder of the year, under Framework 24, the vessel would be able to transfer (temporarily or permanently) its remaining 8,000 lb (3,629 kg) of scallops to other IFQ vessels during the FY. Because this is a relatively minor adjustment to how NMFS monitors the fishery, and does not involve extensive programming changes, NMFS would be able to implement this portion of the measure along with other Framework 24 measures upon this action's effective date, likely in May 2013, if approved.

Currently, IFQ can only be transferred once during a FY, a restriction that was also part of the original design of the scallop IFQ program implemented through Amendment 11. This action also proposes to enable an IFQ vessel to transfer IFQ that it received through a previous transfer to another IFQ vessel or vessels. For example, a vessel that has a base allocation of 10,000 lb (4,536 kg) also leased in 5,000 lb (2,268 kg) from other IFQ vessels. After catching only 2,000 lb (907 kg) of scallops, the vessel's engine fails. Under this scenario, the vessel would be allowed to lease (or permanently transfer) out its remaining quota to one or more vessels, including both its base allocation (as explained in the first part of this proposed action) and the quota it has leased in.

Because sub-transfers will add more complexity to IFQ monitoring, and because NMFS is currently making a number of programming changes to the databases to improve monitoring in this fishery, NMFS would implement this by March 2014, following the completion of other adjustments. Waiting until the start of FY 2014 would also avoid implementing a sub-transfer alternative mid-year, which would further complicate IFQ accounting for FY 2013.

In order to process IFQ sub-transfer applications, NMFS would require that both parties involved in a sub-leasing request (i.e., the transferor and the transferee) must be up-to-date with their data reporting (i.e., all VMS catch reports, VTR, and dealer data must be up-to-date).

Because this action would increase the complexity of NMFS IFQ monitoring, cost recovery fees would likely increase.

This action would also require adjustments to how NMFS applies scallop IFQ towards the ownership and vessel caps, which are held at 5 percent and 2.5 percent of the total LAGC IFQ sub-ACLs, respectively. Sub-transfers would complicate the ownership/vessel cap accounting, requiring stronger controls. To ensure accurate accounting and avoid the potential for abuse of the IFQ cap restriction, all pounds that have been on a vessel during a given FY would be counted towards ownership or vessel caps, no matter how long the pounds were ''on'' the vessel (i.e., even if a vessel leases in 100 lb (45.4 kg) and transfers out those pounds 2 days later, those 100 lb (45.4 kg) would count towards the caps).

For example, Owner A has an IFQ permit on Vessel 1 with an allocation consisting of 2.5 percent of the total IFQ allocation and also has a permit on Vessel 2 with an allocation of 2.0 percent, for a total of 4.5 percent ownership of the total IFQ allocation. If Owner A leases an additional 0.5 percent to Vessel 2 and then sub-leases that 0.5 percent to another vessel owned by a separate entity (Owner B), because those pounds were under the ownership of Owner A at one point during the given FY, he would still have reached his ownership cap, as well as the vessel caps for both vessels. As such, Owner A could continue to lease out (or permanently transfer) IFQ pounds to other owners, but could not transfer in any more IFQ until the next FY.

Modifications to the Observer Set-Aside Program

1. *Inclusion of LAGC open area trips into the industry-funded observer set-aside program.* Framework 24 proposes to expand the observer set-aside (OBS) program to include LAGC IFQ vessels in open areas in order to increase the amount of coverage of that fleet compared to current levels. Currently, if an LAGC IFQ vessel is required to carry an observer on an open area trip (i.e., a non-access area trip), NMFS covers the cost of that observer. All other scallop trips (LAGC trips in access areas, and LA trips in both open and access areas) are under the industry-funded scallop OBS program. Under the industry-funded OBS program, if a vessel is selected to carry an observer, the vessel is responsible to pay for that observer on that trip. The vessel is compensated from the OBS program in either additional pounds in access areas or DAS in open areas to help defray the cost of the observer. The OBS program was first used when scallop vessels gained access into portions of groundfish closed areas under Joint Framework Adjustments 11 and 39 to the Scallop and NE Multispecies FMPs, respectively (69 FR 63460; November 2, 2004). The set-aside program was expanded in Amendment 10 to the Scallop FMP (69 FR 35194; June 23, 2004) to include other access areas and open areas. The OBS program has enabled higher observer rates in the scallop fishery compared to other fisheries in the region. However, there is one segment of the scallop fishery with lower bycatch rates that could benefit from more coverage—LAGC open area fishing trips. Current LAGC open area observer coverage has been very low compared to all other scallop trips covered under the OBS program (e.g., open area LAGC IFQ coverage is

generally less than 1 percent, while industry-funded LA open area observer coverage is usually set at 10 to 15 percent coverage).

This increase in coverage for this portion of the fleet would enable NMFS to have more bycatch information for this segment of the scallop fishery, which would improve monitoring of YTF bycatch.

In order to incorporate LAGC open area trips into the OBS Program, Framework 24 proposes that LAGC vessels would be compensated in a manner similar to how access area IFQ trips are handled. If an IFQ vessel is selected for an open area observed trip, that vessel would receive compensation of a certain number of pounds per trip. The exact compensation rate would be determined by NMFS at the start of each FY. For example, if the FY 2013 compensation rate for LAGC open area IFQ trips was 150 lb/trip (68 kg/trip) and a vessel is selected for an open area trip, that vessel would receive a credit of 150 lb (68 kg) towards its IFQ account to account for the observer coverage, so long as the OBS set-aside has not been fully harvested. Those additional pounds could be fished on the observed IFQ trip above the regular possession limit, or could be fished on a subsequent trip that FY (but must be harvested within the current possession limit requirements if fished on a future trip).

Framework 24 also proposes that LAGC call-in requirements for open area trips be identical to those currently in place for LAGC IFQ access area trips: All LAGC vessels would be required to call in to NMFS's Northeast Fisheries Observer Program weekly with their expected trip usage. For example, vessel operators must call by Thursday if they expect to make any open area (or access area) trips from Sunday through Saturday of the following week. In addition, Council proposes that observer providers should charge LAGC IFQ vessels on open area trips in the same way that they charge LAGC access area trips: Providers should charge dock-to-dock, where a ''day'' is considered a 24-hr period, and portions of other days would be pro-rated at an hourly charge.

Because the Council did not focus on the details of incorporating LAGC IFQ open area trips to the OBS Program, NMFS requests comments from LAGC IFQ vessels on this proposed approach, as outlined in the Framework 24 document (see **ADDRESSES**). If this action is approved and implemented, the FY 2013 coverage rate for LAGC open area trips would be about 8 percent. NMFS believes that this coverage level would not result in exceeding the available set-aside, and NMFS would re-evaluate this level, along with the resulting compensation rate (likely 150 lb/trip (68 kg/trip)), during the FY if fishing conditions are different than anticipated, resulting in the set-aside being harvested more quickly than expected.

2. *Adjustments to applying the OBS TAC by area.* One-percent of the total ACL for the scallop fishery is set aside annually to help compensate vessels for the cost of carrying an observer, and currently this amount is divided proportionally into access areas and open areas in order to set the compensation and coverage rates and monitor this set-aside harvest by area. These area-specific OBS allocations are then set in the regulations, along with all other specifications set through the framework process. If the set-aside for a given area is fully harvested, based on the TACs in the regulations, there is currently no mechanism to transfer OBS TAC from one area to another and, as a result, any vessel with an observed trip in an area with no remaining OBS has to pay for the observer without compensation. Framework 24 proposes to adjust how the OBS is allocated (i.e., removing the need for it to be area-specific), in order to allow for more flexibility in adjusting compensation rates by area mid-year. Although the specification-setting frameworks would still divide up the OBS proportionally by access and open areas in order to set the compensation and coverage rates and for monitoring purposes (i.e., in order to determine if fishing activity in one area is using up more of the set-aside compensation than anticipated when the compensation rate was set), these TACs would not be officially set in the regulations. Instead, set-aside could be transferred from one area to another, based on NMFS in-house area-level monitoring that determines whether one area will likely have excess set-aside while another may not. The set-aside would be considered completely harvested when the full 1 percent is landed, at which point there would be no more compensation for any observed scallop trip, regardless of area. NMFS would continue to proactively adjust compensation rates mid-year to minimize the chance that the set-aside would be harvested prior to the end of the FY. Allowing set-aside to be flexible by area will help reduce the chance that vessels would have to pay for observers without compensation when fishing in a given area.

Other Clarifications and Modifications

This proposed rule includes several revisions to the regulatory text to address text that is duplicative and unnecessary, outdated, unclear, or otherwise could be improved. NMFS proposes these changes consistent with section 305(d) of the MSA. For example, there are terms and cross references in the current regulations that are now inaccurate due to the regulatory adjustments made through past rulemakings (e.g., measures related to the YTF access area TACs are no longer necessary because Framework 47 to the NE Multispecies FMP removed those TACs in May 2012). NMFS proposes to revise the regulations to remove measures intended by previous rulemaking, and to provide more ease in locating these regulations by updating cross references.

This action also proposes revisions that would clarify the intent of certain regulations. For example, NMFS proposes clarifications to the Turtle Deflector Dredge regulations at § 648.51 to more clearly indicate the gear requirements intended through Framework Adjustment 23 to the Scallop FMP (77 FR 20728; April 6, 2012). Additionally, prohibitions in § 648.14 imply that vessels cannot land scallops up to the incidental scallop possession limit when declared out of the fishery and that IFQ vessels cannot land up to 600 lb (272 kg) of their IFQ scallops on NE multispecies, surfclam, ocean quahog, or other trip requiring a VMS declaration. This was not the intent of Amendment 11, and conflict with other regulations in part 648, subpart D. As such, NMFS proposes to clarify these regulations. NMFS also proposes to add more description to some access area and habitat closed area coordinates to clarify the boundaries of those areas.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FMP, other provisions of the MSA, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

This rule contains a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). One requirement has been submitted to OMB for approval under the NMFS Northeast Region Observer Providers Family of Forms (OMB Control No. 0648–0546). Under the proposed action, all LAGC IFQ vessels would be required to call in weekly with their expected

open area trip usage, similar to current requirements for LAGC IFQ trips in access areas. The public reporting burden for this collection of information has already been analyzed under this family of forms and is estimated to average 15 minutes per response with an associated cost of $1.50, that includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information.

Based on FY 2011 permit data, there are 259 active LAGC IFQ-permitted scallop vessels that would be subject to this information collection. These vessels would be required to notify observer providers if they plan on fishing in an open area in the following week. This information collection adds a burden to a small portion of the fleet. While this is a new requirement, vessels would never call in more than once a week. Since the 2011 renewal of this information collection already estimated the burden at once a week for all active vessels, there are no additional burden hours compared to the previous renewal.

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to the Regional Administrator (see **ADDRESSES**), and email to *OIRA_Submission@omb.eop.gov* or fax to 202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

An IRFA has been prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA consists of Framework 24 analyses, its draft IRFA, and the preamble to this action. Because Framework 24 includes an alternative to modify the GB access area seasonal restrictions (Section 2.2.1), this action is also a joint framework with the NE Multispecies FMP (Framework 49). However, this alternative is not expected to have direct economic impacts to the groundfish fishery (i.e., groundfish vessels currently have no access to these areas and should that change, Framework Adjustment 48 to the NE Multispecies FMP would include a full analysis of the economic impacts for the groundfish fishery) and thus impacts of such a measure on groundfish small business entities is expected to be negligible. Therefore, this IRFA focuses on the scallop fishery.

Statement of Objective and Need

This action proposes the management measures and specifications for the Atlantic sea scallop fishery for FY 2013, with FY 2014 default measures. A description of the action, why it is being considered, and the legal basis for this action are contained in Framework 24 and the preamble of this proposed rule and are not repeated here.

Description and Estimate of Number of Small Entities to Which the Rule Would Apply

The proposed regulations would affect all vessels with LA and LAGC scallop permits. The Framework 24 document provides extensive information on the number and size of vessels and small businesses that would be affected by the proposed regulations, by port and state. There were 313 vessels that obtained full-time LA permits in 2011, including 250 dredge, 52 small-dredge, and 11 scallop trawl permits. In the same year, there were also 34 part-time LA permits in the sea scallop fishery. No vessels were issued occasional scallop permits. In FY 2011, NMFS issued 288 IFQ permits (including 40 IFQ permits issued to vessels with a LA scallop permit), 103 NGOM, and 279 incidental catch permits. Of these, 169 IFQ, 14 NOGM, and over 76 incidental permitted vessels were active. Since all scallop permits are limited access, vessel owners would only cancel permits if they decide to stop fishing for scallops on the permitted vessel permanently, or if they transfer IFQ to another IFQ vessel and permanently relinquish the vessel's scallop permit. This is likely to be infrequent due to the value of retaining the permit. As such, the number of scallop permits could decline over time, but would likely be fewer than 10 permits per year.

The RFA defines a small business entity in any fish-harvesting or hatchery business as a firm that is independently owned and operated and not dominant in its field of operation (including its affiliates), with receipts of up to $4 M annually. In prior Scallop FMP actions, each vessel was considered a small business entity and was treated individually for the purposes of the RFA analyses. In this action, the Council recognized ownership affiliations and made very basic connections between multiple vessels to single owners and has made distinctions between large business entities and small business entities, as defined by the RFA. Although several vessels are owned by a single owner (i.e., 68 vessels out of a total of 343 LA vessels), the majority of the limited access vessels are owned by affiliated entities comprised of several individuals having ownership interest in multiple vessels (i.e., 275 vessels out of a total of 343 LA vessels). The sum of annual gross receipts from all scallop vessels operated by the majority of the multiple boat owners (but not all) would exceed $4 M in 2011 and 2012, qualifying them as ''large'' entities. In FY 2010, 190 vessels, including LA and LAGC permitted-vessels, belonged to 27 large business entities that grossed more than $4 M annually in scallop revenue. In the same year, 153 vessels belonged to 105 small business entities (ownership ranged from 1 to 4 vessels) that grossed less than $4 M a year in scallop revenue. In FY 2011, scallop revenue greatly increased as the scallop ex-vessel prices increased by 20 percent from 2010 prices. As a result, more business entities fell in the large entity category (i.e., the number of LA permits that grossed more than $4 M annually increased to 34, and the number of small entities decreased to 97). It is likely that the number of large and small entities in FY 2012 were similar to those in FY 2011.

The Office of Advocacy at the Small Business Administration (SBA) suggests two criteria to consider in determining the significance of regulatory impacts; namely, disproportionality and profitability. The disproportionality criterion compares the effects of the regulatory action on small versus large entities (using the SBA-approved size definition of ''small entity''), not the difference between segments of small entities. The changes in profits, costs, and net revenues due to Framework 24 are not expected to be disproportional for small versus large entities since each vessel will receive the same number of open areas DAS and access area trips allocations according to the categories they belong to (i.e., the allocations for all full-time vessels are identical, and the allocations for the part-time and occasional vessels are proportional to the full-time allocations, 40 percent and 8.33 percent of the full-time allocations, respectively). As a result, this action

would have proportionally similar impacts on revenues and profits of each vessel and each multi-vessel owner compared both to status quo (i.e., FY 2012) and no action levels. Therefore, this action is not expected to have disproportionate impacts or place a substantial number of small entities at a competitive disadvantage relative to large entities. A summary of the economic impacts relative to the profitability criterion is provided below under ''Economic Impacts of Proposed Measures and Alternatives.''

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

One proposed measure in this rulemaking would impose new reporting, recordkeeping or other compliance requirements upon the small entities that participate in the fishery.

Under the proposed action, all LAGC IFQ vessels would be required to call in weekly with their expected open area trip usage, similar to current requirements for LAGC IFQ trips in access areas. This measure is intended to improve observer coverage for LAGC open area trips by incorporating them into the industry-funded observer program, rather than continuing to fund them under NMFS's Northeast Fisheries Observer Program, which results in lower coverage levels due to competing interests with funding observers in other targeting fisheries. Observer coverage in the LAGC scallop fishery is necessary to monitor the bycatch of finfish, including yellowtail flounder, skates, monkfish, cod, and other species. Monitoring of yellowtail and windowpane flounder is of particular concern because the scallop fishery is constrained by a fishery-specific sub-Annual Catch Limit (ACL) for these stocks. Observer coverage is also needed to monitor interactions of the LAGC scallop fishery with endangered and threatened sea turtles in open areas.

Notification requires the dissemination of the following information: Gear type (dredge or trawl); specification of LA or LAGC; area to be fished (for FY 2013, these areas include NLS, CA1, CA2, HC, MA open areas, or GB open areas); phone number; Federal fishery permit number; name; vessel name; port and state of departure; and estimated date of sail. This information would be used to place observers on LAGC scallop vessels to monitor catch, discards, and potential sea turtle interactions on open area trips. While this is a new requirement, vessels would never be obligated to call in more than once a week and already have a weekly call-in requirement for access area trips. As a result of the current collection of information requirements, there would be no additional burden hours compared to what has already been analyzed. The burden estimates, including the new requirement, applies to all LA and LAGC IFQ vessels and assumed that each vessel would call in to the observer program a total of 50 times in a given FY. NMFS estimates each response to take about 10 min, with an associated cost of $1.00. NMFS has estimated the cost to observer providers to respond to each vessel request to take about 5 min, with an associated cost of $0.50 . In 2011, there were 259 LAGC IFQ vessels. Therefore, 12,950 requests (50 calls × 259 vessels) would impose total compliance costs of $19,425. These estimates are likely over-estimates, as LAGC IFQ vessels would likely not call in 50 times a year.

This action contains no other compliance costs. It does not duplicate, overlap, or conflict with any other Federal law.

Economic Impacts of Proposed Measures and Alternatives

Summary of the Aggregate Economic Impacts

A detailed analysis of the economic impacts of the proposed actions may be found in Section 5.4 of the Framework 24 document. All economic values are presented in terms of 2011 dollars and projected economic values presented below use a 7-percent discount rate to compare results to current values.

The impact of five allocation alternatives were evaluated in Framework 24: Four alternatives proposed the same number of DAS, but differed on the number of access area trips and which areas would be open in FY 2013. One alternative (Alternative 1) proposed that full-time vessels would receive two access area trips at 13,000 lb (5,897 kg) into three access areas (i.e., HC, CA1, and CA2); another alternative (Alternative 2; the proposed alternative) offered the identical number of access area trips as Alternative 1, but included access into NLS as well as HC, CA1, and CA2. The remaining two alternatives offered full-time vessels one trip at 18,000 lb (8,165 kg), which would be randomly assigned to one of two access areas (Alternative 3) or one of four areas (Alterative 4). The fifth alternative considered by the Council was the No Action alternative, which would allow full-time vessels four access area trips at 18,000 lb (8,165 kg) per trip and lower DAS allocations than the other alternatives.

The definition of ''No Action'' refers to the implementation of FY 2013 default measures that are currently assigned in the regulations. The No Action alternative does not result in the same allocations or revenues as in FY 2012. Rather, No Action would result in eight fewer DAS in FY 2013 compared to FY 2012. In addition, because the scallop resource in the access areas is at a much lower level than in FY 2012 and earlier, the No Action would allocate four trips into areas that are no longer as productive as they were in FY 2012. As a result of fewer open area DAS, combined with a lower landings-per-unit effort (LPUE) due to the decline in estimated stock abundance in FY 2013, revenues for No Action would be lower ($448 M in FY 2013) compared to the actual revenues in FY 2011 ($582 M) and FY 2012 (estimated to be about $550 M in inflation-adjusted 2011 prices). From the perspective of the impacts on the economy and of the participants in the fishery, a baseline that would reflect potential economic impacts relative to the recent levels of allocations would be a more useful comparison. For this purpose, a Status Quo scenario was also incorporated into the economic analysis. This scenario allocated vessels exactly the same amount of access area trips and DAS in FY 2013 as they had the opportunity to take in FY 2012. Because the recent scallop resource conditions in the open and access areas will be less favorable in FY 2013 compared to FY 2012, continuation of the same allocations under the Status Quo scenario would result in lower landings (50.9 M lb in FY 2013 versus an estimated 57.6 M lb in FY 2012) and lower revenues in FY 2013 compared to FY 2012 ($505 M, compared to an estimated revenue of $550 M) if actual scallop prices equal the estimated prices ($9.92) for FY 2013. Similarly, in the future years, the landings and revenues for the Status Quo scenario will be lower than FY 2012 levels. This is because the continuation of the same number of open area DAS and access area trip allocations would increase the fishing mortality above the sustainable levels and reduce scallop yield and revenues in the long-term. Note that the Status Quo alternative is used here for analytical purposes in the economic impact analysis of Framework 24's allocations alternatives but was not actually considered by the Council, because it is based on an infeasible scenario that would increase the scallop fishing mortality above sustainable levels, resulting in reduced scallop yield and revenues in the long-term.

In summary, the aggregate economic impacts of the proposed measures, including the open area DAS and access area allocations for LA vessels and ACLs for the LAGC fishery, are expected to have negative impacts on the revenues and profits of the small businesses in the scallop industry in FY 2013, compared to the No Action alternative and FY 2012 conditions. However, the measures included in Framework 24 are not expected to offset the gains and profits of the scallop industry, or to jeopardize the financial viability of scallop vessels either in the short term or in the medium term, especially in this highly profitable industry. The record-high revenues and profits earned by the scallop industry since FY 2010 are expected to provide the scallop vessels with sufficient short-term cash reserves to finance their operations until the anticipated positive effects of the regulation start paying off in the later years. Over the medium term (i.e., from FYs 2013 to 2017), the economic impacts of the proposed alternative on the majority of small business entities in scallop fishing industry could range from small negative to negligible impacts compared to taking no action and the FY 2012 levels. The economic impacts of the proposed action are expected to be positive over the long-term.

Economic Impacts of the Proposed Measures and Alternatives

1. Allocations for the LA and LAGC Scallop Fleets—Aggregate Impacts

The proposed open area DAS allocations are expected to prevent overfishing in open areas. The proposed action would implement the following vessel-specific DAS allocations for FYs 2013 and 2014: Full-time vessels would be allocated 33 and 23 DAS, respectively; part-time vessels would be allocated 13 and 9 DAS, respectively; and occasional vessels would receive 3 and 2 DAS, respectively. Additionally, in FY 2013 full-time vessels would receive a total of two access area trips at 13,000 lb (5,897 kg), and part-time vessels and occasional vessels would receive one access area trip, at 10,400 lb (4,717 kg) and 2,080 lb (943 kg), respectively. The proposed default FY 2014 DAS would be set at precautionary levels and would be reevaluated in the next specifications-setting framework action. No access area trips would be allocated under FY 2014 default measures, and vessels would have to wait until the next framework to fish in access areas in FY 2014.

The Framework 24 analysis of the fleet-wide aggregate economic impacts indicate that the proposed action and all other alternatives would have negative economic impacts compared to the No Action alternative in the short term (FYs 2013–2016) because vessels would receive fewer access area trips compared to No Action. Total fleet revenue under the proposed action (Alternative 2) is estimated at $393.4 M, and net revenues per vessel (i.e., gross revenues minus trip costs, used as a proxy for profits) are estimated to be $1,187,238 in FY 2013. Compared with No Action fleet revenues ($448.4 M fleet-wide revenues and $1,353,718 per vessel), the proposed action and Alternative 1 would result in decreases in FY 2013 fleet and vessel net revenues of 12 percent; and Alternative 3 and 4 would result in decreases in FY 2013 fleet and vessel net revenues of 18 and 17 percent, respectively. Both the revenues and net revenues under the preferred alternative, as well as other considered alternatives, over the medium term (FYs 2014 to 2016) would be less than No Action, although the differences would be smaller after FY 2015. However, over the long-term (FYs 2013–2026), the proposed action would have positive impacts on the revenues and net revenues of scallop vessels. This is because under No Action more scallops would be landed in the short-term, resulting in less available scallops for harvest in the future.

Compared to the Status Quo alternative, the proposed action would have negative impacts on the revenues and profits of the scallop vessels and the small business entities in FYs 2013–2015. Estimated fleet revenues would decline by 22 percent in FY 2013 under the proposed action compared to the level for revenues for Status Quo. The reduction in revenues would be greater compared to estimated FY 2012 levels, although part of that decline would be due to the reduction in the scallop biomass in the recent year. The decline in net revenues (which the analysis uses as a proxy for profits) would be slightly lower, 21 percent in FY 2013 compared to the Status Quo scenario, because the fishing costs would be lower with fewer access area trips and less open area DAS under the proposed action and other alternatives. The decline in net revenue would be less under the proposed action compared to the other considered alternatives.

Although the lower allocations proposed in Framework 24 would have negative impacts over the short-term, they are not expected to offset the gains and profits of the scallop industry, or to jeopardize the financial viability of scallop vessels either in the short term or in the medium term, especially in this highly profitable industry. The record-high revenues and profits earned by the scallop industry since FY 2010 are expected to provide the scallop vessels with sufficient short-term cash reserves to finance their operations until the anticipated positive effects of the regulation start paying off in the later years. The economic impacts on the net revenues and profits of the proposed action are expected to be positive over the long-term due to higher estimated scallop biomass levels.

As for LAGC vessels, the economic impacts of the proposed action are expected to be negative in the short-term, because the overall ACL would be lower, resulting in smaller allocations for the LAGC fishery compared to the No Action and Status Quo levels. Because the LAGC allocations are derived from the ACL (which is the same for all alternatives), the values are identical across all alternatives considered, with the exception of No Action. The total LAGC IFQ for the proposed action is equivalent to about 2.4 M lb (1,111 mt) and 2.8 M (1,257 mt) for FYs 2013 and default 2014, respectively, or about 400,000 lb (181.4 mt) less than under No Action. Because the LAGC fishery receives a fixed proportion of the total ACL (i.e., 5.5 percent), the economic impacts are similar to the impacts for the LA fishery in the medium-term (low negative) and over the long-term (slightly positive) as well compared to the No Action alternative and Status Quo scenario. The proposed action would prorate LAGC IFQ trips proportionally in all open access areas excluding CA2, with positive economic impacts on the LAGC vessels because they will be able to use CA2 trips in areas closer to the shore with lower trip costs, and offsetting some of the negative impacts of the reduced allocations. There are no other alternatives that would generate higher economic benefits for the LAGC participants of the scallop fishery.

In summary, the economic impacts of the proposed LA and LAGC allocation measures are expected to have negative impacts on the revenues and profits of the small businesses in the scallop industry in FY 2013, compared to the No Action alternative and FY 2012 conditionsOver the medium term (i.e., from FYs 2013 to 2017), the economic impacts of the proposed alternative on the majority of small business entities in scallop fishing industry could range from small negative to negligible impacts compared to taking no action and the FY 2012 levels.

2. Payback Measures for LA and LAGC Vessels for Overages Incurred Between March 1, 2013, and Framework 24's Implementation

Framework 24 would be implemented after the start of FY 2013 (March 1, 2013) and the FY 2013 default measures would be in place until the proposed action is implemented. These current default measures include access area LA allocations that are considerably higher than proposed under Framework 24 (i.e., 4 access area trips at 18,000 lb/trip (8.165 kg/trip) compared to 2 access area trips at 13,000 lb/trip (5,897 kg/trip) for full-time vessels). LAGC IFQ vessels would receive allocations at the start of FY 2013 that are roughly 30 percent higher than Framework 24 allocations. Framework 24 included a number of provisions to account for the inconsistencies between allocations in effect at the start of FY 2013 and those that would be implemented under Framework 24. These ''payback'' measures create a disincentive to fish higher March 1, 2013, allocations and would help reduce the negative impacts of overfishing in 2013 on the scallop resource if vessels adhere to the lower Framework 24 allocations. For LA vessels, if a vessel takes FY 2013 default access area trips, it will have to give up all FY 2013 access area trips authorized to that vessel under Framework 24, plus 12 open area DAS as a payback. Since taking extra trips would result in a net loss of scallop catch, this could have negative economic impacts in the short-term. However, taking the number of trips allocated at the start of FY 2013 could have negative impacts on the scallop yield and revenues from these areas in the future years. As a result, the payback measures would help reduce the negative impacts of overfishing in 2013 on the scallop resource and the analysis results indicate positive long-term impacts on landings, revenues, and profits of the scallop vessels.

LAGC IFQ vessels that exceed their ultimate FY 2013 allocations through IFQ transfers would have a pound-for-pound deduction in FY 2013 to account for the excess allocated IFQ. The payback would be applied to the vessel that transfer the IFQ in (i.e., not the vessel that transfers out the IFQ). LAGC IFQ vessels that exceed their ultimate FY 2013 allocations would have a pound-for-pound payback in FY 2014 as their individual AM, specified in Amendment 15 to the Scallop FMP (Amendment 15).

As a result, LA and LAGC vessels that choose to exceed the FY 2013 allocations proposed in Framework 24 would have slightly lower revenues than the estimated fleet average in FY 2013, resulting in negative short-term impact on those individual vessels in FY 2013. Over the long-term, the overage provisions proposed in Framework 24 are expected to reduce the negative impacts of overfishing in FY 2013 on the scallop resource. Therefore, these measures will have positive fleet-wide impacts on landings and revenues over the long term. There are no alternatives that would generate higher economic benefits for the participants of the scallop fishery. Members of the scallop industry assisted in the development of these payback measures.

3. RSA and OBS TACs

The proposed action would set aside 1 percent of the ABC for the industry-funded OBS program, and would set aside 1.25 M lb (567 mt) from the ABC for the RSA program. These set-asides are expected to have indirect economic benefits for the scallop fishery by improving scallop information and data made possible by research and the observer program. Although allocating a higher OBS percentage or higher RSA allocation could result in higher indirect benefits to the scallop fleet by increasing available funds for research and the observer program, these set-aside increases could also decrease direct economic benefits to the fishery by reducing revenues, and no such alternatives were considered.

4. NGOM TAC

The proposed action (No Action alternative) specifies a 70,000-lb (31,751-kg) TAC for the NGOM and would not have additional economic impacts on the participants of the NGOM fishery. The NGOM TAC has been specified at this level since FY 2008, and the fishery has harvested less than 15 percent of the TAC in each FY; therefore, the TAC has no negative economic impacts. There are no alternatives that would generate higher benefits for NGOM scallop vessels. The alternative for setting the NGOM TAC at 58,000 lb (26,308 kg) is expected to reduce the chance of excess fishing in Federal waters in the NGOM management area, but considering that the current scallop catches by NGOM vessels are very low, neither alternative is expected to impact vessels. Thus, negligible economic impacts are expected from the No Action alternative and the other NGOM Alternative.

5. Modification of GB Access Area Seasonal Restrictions

The Council considered four options to modify the GB access area seasonal closures, in addition to No Action, which would keep the areas (NLS, CA1, CA2) closed from February 1 through June 14 of each FY. Option 1 would close all three areas from Sept 1–April, Option 2 would close all three areas from September–November, Option 3 (the proposed action) would only close CA2 from August 15–November 15 and would not impose a seasonal closure on CA1 or NLS, and option 4 would eliminate the seasonal closure in the GB access areas entirely to that the areas would be open to scallop fishing year round.

The proposed action (Option 3) would modify GB seasonal restrictions to provide access during months with highest scallop meat weights and to minimize yellowtail bycatch. Compared to No Action and the other options considered, this alternative would provide higher flexibility to vessels because CA2 would close for only 3 months (August 15 through November 15) and CA1 and NLS would be open all year, resulting in positive economic benefits for the scallop fishery.

There are no alternatives that would generate higher economic benefits for the participants of the scallop fishery. Under No Action, all the GB access areas will remain closed during 4.5 months (from February 1 to June 14), during times when scallop meat weights are higher compared to the months that would be closed under the proposed action. Similarly, other alternatives (Options 1 and 2) would keep all three GB access areas closed, while the proposed action would only close CA2. Eliminating GB access area seasonal restrictions could have positive economic benefits for the scallop vessels in the short-term. It is more likely, however, for the long-term benefits of this option to be lower compared to the economic benefits from other options since fishing effort could occur in the access areas during the low meat weight seasons, resulting in higher fishing costs and lower benefits for the scallop resource.

6. Measures To Address YTF Bycatch in the LAGC IFQ Dredge Fishery

Under the proposed action, if the SNE/MA YTF AM for LAGC IFQ vessels using dredges was triggered, these vessels would be unable to fish in certain areas in SNE during the months of the highest YTF bycatch. The closure areas are identical to those for LA vessels when the SNE/MA YTF AM is triggered, except that there would be no year-round closure of these areas for LAGC vessels (i.e., some of the closure areas would be open for parts of the year when traditional fishing has occurred).

This should reduce the amount of effort that could be shifted to other months and areas, thus reducing negative impacts on crew income and profits. Bycatch from this segment of the fishery is typically very small, and as long as the future catch of YTF does not increase from those levels estimated in previous years, this alternative would likely have negligible economic impacts. However, if the AM were triggered, a small negative economic impact on LAGC vessels using dredge gear would be expected.

There are no alternatives that would generate higher economic benefits for all the participants of the scallop fishery. Under No Action, YTF catch by LAGC dredge vessels would count against the scallop fishery YTF sub-ACLs (GB and SNE/MA), but if an AM is triggered, these vessels would be exempt from those measures. As a result, No Action would have positive economic impacts on the LAGC vessels and negative economic impacts on the LA vessels if the AM triggered. Also, no accountability for the LAGC fishery would likely increase the risk of catching substantial proportions of YTF sub-ACL by this fishery with negative economic impacts on the overall scallop fishing industry.

7. Measures To Address YTF Bycatch in the LAGC IFQ Trawl Fishery

The AMs to address YTF bycatch in the LAGC IFQ trawl fishery are expected to reduce incentive to catch YTF as bycatch and reduce the risks of closing of the YTF AM seasonal closure areas to scallop fishing with positive long-term economic impacts. However, if the YTF bycatch by the LAGC IFQ trawl fishery remains above 10 percent, the proposed action would close statistical areas 612 and 613 for 7 months to trawl vessels. These areas would close to fishing during certain months, as well, if the overall YTF SNE/MA sub-ACL for the scallop fishery is exceeded. In either case, the vessels would have to shift their effort to July through November if they want to fish with trawl gear, which is likely to increase costs of fishing. Allowing dredge gear to be used for fishing during closure periods would add to flexibility for those vessels that have the capacity to use dredge gear. This would mitigate the potential impacts of AM closures since the costs of installing a dredge could outweigh cost of shifting effort to other months and areas during the AM closure season.

There are no alternatives that would generate higher economic benefits for all the participants of the scallop fishery. Two other options were considered: One that was similar to the proposed action, but that would have not allowed LAGC trawl vessels to switch to dredge gear (Option 1), and another that would have prohibited trawl gear for an entire FY in the SNE/MA area if the overall YTF sub-ACL was exceeded (Option 3). The proposed action (Option 2) is more flexible than Option 1 because it allows a trawl vessel to convert to dredge gear, and it is more flexible than Option 3 because it is not a gear restriction for the entire SNE/MA YT stock area. Under No Action, YTF catch by LAGC vessels would count against the scallop fishery YTF sub-ACLs (GB and SNE/MA), but if an AM is triggered, LAGC vessels are exempt from those measures. As a result, No Action would have positive economic impacts on the LAGC vessels and negative economic impacts on the LA vessels if the AM is triggered. Also, no accountability for the LAGC fishery would likely increase the risk of catching substantial proportions of YTF sub-ACL by this fishery, with negative economic impacts on the overall scallop fishing industry.

8. Timing of AMs for the Scallop Fishery YTF Sub-ACL

Under the proposed action, if reliable information is not available to make a mid-year determination of the need to implement an AM for the YTF sub-ACL, NMFS would wait until enough information is available before making a decision to implement an AM. This alternative would have positive economic impacts on the scallop vessels since the decisions would be made based on more accurate information.

There are no alternatives that would generate higher economic benefits for all of the participants in the scallop fishery. Under No Action, AMs will trigger in Year 2 regardless of the reliability of the information available at that time. This could have negative economic impacts on the scallop fishery if the AMs were triggered in the next FY based on inaccurate data that resulted in loss of scallop landings and revenue.

9. Additional Flexibility for the LAGC IFQ Leasing Program

This measure would allow transfer of quota after an LAGC IFQ vessel landed scallops in a given FY and, beginning March 1, 2014, would allow IFQ to be transferred more than once (i.e., sub-transfers). This measure is expected to have positive economic impacts allowing the vessels fully land their quota, and would enable a vessel owner to transfer IFQ to another vessel if his vessel sank or became inoperable mid-year, thus providing more revenue opportunities. The second aspect of this alternative would enable an IFQ vessel to transfer IFQ that it received through a previous transfer (i.e., a sub-transfer to another vessel) to another IFQ vessel or vessels. Although this alternative would provide more flexibility to vessels by allowing sub-leasing with positive economic benefits, it would also add more complexity to IFQ monitoring with a possibility for the cost recovery fees increasing and thus reducing the net economic benefits for the LAGC vessels.

There are no alternatives that would generate higher economic benefits for all of the participants in the scallop fishery. No Action could result in loss of revenue from unused quota if a vessel cannot fish during the rest of the year and lease its quota to another vessel, with negative economic impacts.

10. Inclusion of LAGC Open Area Trips Into the Industry-Funded Observer Set-Aside (OBS) Program

Framework 24 proposes to expand the OBS program to include LAGC IFQ vessels in open areas to increase the amount of coverage of that fleet compared to current levels. Given that the scallop fishery is subject to bycatch sub-ACLs, it would be useful to have more observer data to rely on to monitor these ACLs more precisely, including the LAGC fishing in open areas. Having more precise bycatch information for all segments of the scallop fishery would improve management and would have indirect positive impacts on economic benefits.

There are no alternatives that would generate higher economic benefits for all of the participants in the scallop fishery. Under No Action, LAGC trips in open areas will not be under the OBS program and that portion of the fleet's trips would have very little observer coverage.

11. Adjustments to Applying the OBS TAC by Area

Under the proposed action, OBS could be transferred from one area to another based on NMFS's monitoring that determines whether one area will likely have excess set-aside, while another may not. Therefore, this alternative would be more efficient in using the OBS where it is needed most and, as such, they would be more fully utilized for better monitoring the catch, with indirect positive economic benefits.

There are no alternatives that would generate higher economic benefits for all the participants of the scallop fishery. Under No Action, if the OBS for a given area is fully harvested, there would be no mechanism to transfer TAC from one area to another. As a result, any vessel

with an observed trip in an area with no remaining OBS would have to pay for the observer without compensation. This would increase costs for vessels and have negative economic impacts.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: March 5, 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.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.10, paragraph (f)(1) is revised to read as follows:

§ 648.10 VMS and DAS requirements for vessel owners/operators.

* * * * *

(f) * * *

(1) *IFQ scallop vessels.* An IFQ scallop vessel that has crossed the VMS Demarcation Line specified under paragraph (a) of this section is deemed to be fishing under the IFQ program, unless prior to the vessel leaving port, the vessel's owner or authorized representative declares the vessel out of the scallop fishery by notifying the Regional Administrator through the VMS. If the vessel has not fished for any fish (i.e., steaming only), after declaring out of the fishery, leaving port, and steaming to another location, the owner or authorized representative of an IFQ scallop vessel may declare into the IFQ fishery without entering another port by making a declaration before first crossing the VMS Demarcation Line. An IFQ scallop vessel that is fishing north of 42°20′ N. lat. is deemed to be fishing under the NGOM scallop fishery unless prior to the vessel leaving port, the vessel's owner or authorized representative declares the vessel out of the scallop fishery, as specified in paragraphs (e)(5)(i) and (ii) of this section. After declaring out of the fishery, leaving port, and steaming to another location, if the IFQ scallop vessel has not fished for any fish (i.e., steaming only), the vessel may declare into the NGOM fishery without entering another port by making a declaration before first crossing the VMS Demarcation Line.

* * * * *

■ 3. In § 648.11, paragraphs (g)(1), (g)(2)(ii), (g)(5)(i)(B), (g)(5)(ii), and the introductory text to paragraphs (g)(5) and (g)(5)(i), are revised to read as follows:

§ 648.11 At-sea sea sampler/observer coverage.

* * * * *

(g) * * *

(1) *General.* Unless otherwise specified, owners, operators, and/or managers of vessels issued a Federal scallop permit under § 648.4(a)(2), and specified in paragraph (a) of this section, must comply with this section and are jointly and severally responsible for their vessel's compliance with this section. To facilitate the deployment of at-sea observers, all sea scallop vessels issued limited access and LAGC IFQ permits are required to comply with the additional notification requirements specified in paragraph (g)(2) of this section. When NMFS notifies the vessel owner, operator, and/or manager of any requirement to carry an observer on a specified trip in either an Access Area or Open Area as specified in paragraph (g)(3) of this section, the vessel may not fish for, take, retain, possess, or land any scallops without carrying an observer. Vessels may only embark on a scallop trip in open areas or Access Areas without an observer if the vessel owner, operator, and/or manager has been notified that the vessel has received a waiver of the observer requirement for that trip pursuant to paragraphs (g)(3) and (g)(4)(ii) of this section.

(2) * * *

(ii) *LAGC IFQ vessels.* LAGC IFQ vessel owners, operators, or managers must notify the NMFS/NEFOP by telephone by 0001 hr of the Thursday preceding the week (Sunday through Saturday) that they intend to start any scallop trip, and must include the port of departure, open area or specific Sea Scallop Access Area to be fished, and whether fishing as a scallop dredge, scallop trawl vessel. If selected, up to two trips that start during the specified week (Sunday through Saturday) can be selected to be covered by an observer. NMFS/NEFOP must be notified by the owner, operator, or vessel manager of any trip plan changes at least 48 hr prior to vessel departure.

* * * * *

(5) Owners of scallop vessels shall be responsible for paying the cost of the observer for all scallop trips on which an observer is carried onboard the vessel, regardless of whether the vessel lands or sells sea scallops on that trip, and regardless of the availability of set-aside for an increased possession limit or reduced DAS accrual rate. The owners of vessels that carry an observer may be compensated with a reduced DAS accrual rate for open area scallop trips or additional scallop catch per day in Sea Scallop Access Areas or additional catch per trip for LAGC IFQ trips in order to help defray the cost of the observer, under the program specified in §§ 648.53 and 648.60.

(i) Observer service providers shall establish the daily rate for observer coverage on a scallop vessel on an Access Area trip or open area DAS or IFQ scallop trip consistent with paragraphs (g)(5)(i)(A) and (B), respectively, of this section.

* * * * *

(B) *Open area scallop trips.* For purposes of determining the daily rate for an observed scallop trip for DAS or LAGC IFQ open area trips, regardless of the status of the industry-funded observer set-aside, a service provider shall charge dock to dock where ''day'' is defined as a 24-hr period, and portions of the other days would be pro-rated at an hourly charge (taking the daily rate divided by 24). For example, if a vessel with an observer departs on the July 1st at 10 p.m. and lands on July 3rd at 1 a.m., the time at sea equals 27 hr, so the provider would charge 1 day and 3 hr.

(ii) NMFS shall determine any reduced DAS accrual rate and the amount of additional pounds of scallops per day fished in a Sea Scallop Access Area or on an open area LAGC IFQ trips for the applicable fishing year based on the economic conditions of the scallop fishery, as determined by best available information. Vessel owners and observer service providers shall be notified through the Small Entity Compliance Guide of any DAS accrual rate changes and any changes in additional pounds of scallops determined by the Regional Administrator to be necessary. NMFS shall notify vessel owners and observer providers of any adjustments.

* * * * *

■ 4. In § 648.14, paragraphs (i)(2)(vi)(F), (i)(2)(vi)(G), (i)(4)(i)(G), and (i)(4)(iii)(E) are removed and reserved, paragraphs (i)(1)(iii)(A)(*1*)(*iii*), (i)(1)(iii)(A)(*2*)(*iii*), (i)(3)(i)(B), (i)(4)(i)(A), and (i)(4)(iii)(D) are revised to read as follows:

§ 648.14 Prohibitions.

* * * * *

(i) * * *

(1) * * *

(iii) * * *

(A) * * *

(*1*) * * *

(*iii*) The scallops were harvested by a vessel that has been issued and carries on board an IFQ scallop permit and is properly declared into the IFQ scallop fishery or is properly declared into the NE multispecies, Atlantic surfclam or quahog fishery, or other fishery requiring a VMS declaration, and is not fishing in a sea scallop access area.

* * * * *

(*2*) * * *

(*iii*) The scallops were harvested by a vessel that has been issued and carries on board an IFQ scallop permit issued pursuant to § 648.4(a)(2)(ii)(A), is fishing outside of the NGOM scallop management area, and is properly declared into the general category scallop fishery or is properly declared into the NE multispecies, or Atlantic surfclam or quahog fishery, or other fishery requiring a VMS declaration, and is not fishing in a sea scallop access area.

* * * * *

(3) * * *

(i) * * *

(B) Fish for, possess, or land scallops on a vessel that is declared out of scallop fishing unless the vessel has been issued an Incidental scallop permit, or is an IFQ scallop vessel that is properly declared into the IFQ scallop, NE multispecies, Atlantic surfclam or quahog, or other fishery requiring a VMS declaration.

* * * * *

(4) * * *

(i) * * *

(A) Fish for or land per trip, or possess at any time, in excess of 600 lb (272.2 kg) of shucked, or 75 bu (26.4 hL) of in-shell scallops per trip, or 100 bu (35.2 hL) in-shell scallops seaward of the VMS Demarcation Line, unless the vessel is carrying an observer as specified in § 648.11 and an increase in the possession limit is authorized by the Regional Administrator and not exceeded by the vessel, as specified in §§ 648.52(g) and 648.60(d).

* * * * *

(iii) * * *

(D) Prior to March 1, 2014, request to transfer IFQ that has already been temporarily transferred from an IFQ scallop vessel in the same fishing year.

■ 5. In § 648.51, the introductory text to paragraph (b), and paragraphs (b)(1), and (b)(5)(ii), are revised to read as follows:

§ 648.51 Gear and crew restrictions.

* * * * *

(b) *Dredge vessel gear restrictions.* All vessels issued limited access and General Category scallop permits and fishing with scallop dredges, with the exception of hydraulic clam dredges and mahogany quahog dredges in possession of 600 lb (181.44 kg), or less, of scallops, must comply with the following restrictions, unless otherwise specified:

(1) *Maximum dredge width.* The combined dredge width in use by or in possession on board such vessels shall not exceed 31 ft (9.4 m), measured at the widest point in the bail of the dredge, except as provided under paragraph (e) of this section, in § 648.60(g)(2), and the scallop dredge exemption areas specified in § 648.80. However, component parts may be on board the vessel such that they do not conform with the definition of ''dredge or dredge gear'' in § 648.2, i.e., the metal ring bag and the mouth frame, or bail, of the dredge are not attached, and such that no more than one complete spare dredge could be made from these component's parts.

* * * * *

(5) * * *

(ii) *Requirement to use a turtle deflector dredge (TDD) frame* —(A) From May 1 through October 31, any limited access scallop vessel using a dredge, regardless of dredge size or vessel permit category, or any LAGC IFQ scallop vessel fishing with a dredge with a width of 10.5 ft (3.2 m) or greater, that is fishing for scallops in waters west of 71° W long., from the shoreline to the outer boundary of the EEZ, must use a TDD. The TDD requires five modifications to the rigid dredge frame, as specified in paragraphs (b)(5)(ii)(A)(*1*) through (b)(5)(ii)(A)(*5*) of this section. See paragraph (b)(5)(ii)(E) of this section for more specific descriptions of the dredge elements mentioned below.

(*1*) The cutting bar must be located in front of the depressor plate.

(*2*) The acute angle between the plane of the bale and the strut must be less than or equal to 45 degrees.

(*3*) All bale bars must be removed, except the outer bale (single or double) bars and the center support beam, leaving an otherwise unobstructed space between the cutting bar and forward bale wheels, if present. The center support beam must be less than 6 inches (15.24 cm) wide. For the purpose of flaring and safe handling of the dredge, a minor appendage not to exceed 12 inches (30.5 cm) in length may be attached to each of the outer bale bars. Only one side of the flaring bar may be attached to the dredge frame. The appendage should at no point be closer than 12 inches (30.5 cm) to the cutting bar so that it does not interfere with the space created by the bump out.

(*4*) Struts must be spaced 12 inches (30.5 cm) apart or less from each other, along the entire length of the frame.

(*5*) Unless exempted, as specified in paragraph (b)(5)(ii)(B) of this section, the TDD must include a straight extension (''bump out'') connecting the outer bale bars to the dredge frame. This ''bump out'' must exceed 12 inches (30.5 cm) in length, as measured along the inside of the bale bar from the front of the cutting bar to the first bend in the bale bar.

(B) A limited access scallop vessel that uses a dredge with a width less than 10.5 ft (3.2 m) is required to use a TDD, except that such a vessel is exempt from the ''bump out'' requirement specified in paragraph (b)(5)(ii)(A)(*5*) of this section. This exemption does not apply to LAGC vessels that use dredges with a width of less than 10.5 ft (3.2 m), because such vessels are exempted from the requirement to use a TDD, as specified in paragraph (b)(5)(ii) of this section.

(C) Vessels subject to the requirements in paragraph (b)(5)(ii) of this section transiting waters west of 71° W. long., from the shoreline to the outer boundary of the EEZ, are exempted from the requirement to only possess and use TDDs, provided the dredge gear is stowed in accordance with § 648.23(b) and not available for immediate use.

(D)*TDD-related definitions.* (*1*) The cutting bar refers to the lowermost horizontal bar connecting the outer bails at the dredge frame.

(*2*) The depressor plate, also known as the pressure plate, is the angled piece of steel welded along the length of the top of the dredge frame.

(*3*) The struts are the metal bars connecting the cutting bar and the depressor plate.

* * * * *

■ 6. In § 648.52, paragraphs (a) and (g) are revised to read as follows:

§ 648.52 Possession and landing limits.

(a) A vessel issued an IFQ scallop permit that is declared into the IFQ scallop fishery as specified in § 648.10(b), or on a properly declared NE multispecies, surfclam, or ocean quahog trip (or other fishery requiring a VMS declaration) and not fishing in a scallop access area, unless as specified in paragraph (g) of this section or exempted under the state waters exemption program described in § 648.54, may not possess or land, per trip, more than 600 lb (272.2 kg) of shucked scallops, or possess more than 75 bu (26.4 hL) of in-shell scallops shoreward of the VMS Demarcation Line. Such a vessel may land scallops only once in any calendar day. Such a

vessel may possess up to 100 bu (35.2 hL) of in-shell scallops seaward of the VMS Demarcation Line on a properly declared IFQ scallop trip, or on a properly declared NE multispecies, surfclam, or ocean quahog trip, or other fishery requiring a VMS declaration, and not fishing in a scallop access area.

* * * * *

(g) *Possession limit to defray the cost of observers for LAGC IFQ vessels.* An LAGC IFQ vessel with an observer on board may retain, per observed trip, up to 1 day's allowance of the possession limit allocated to limited access vessels, as established by the Regional Administrator in accordance with § 648.60(d), provided the observer set-aside specified in § 648.60(d)(1) has not been fully utilized. For example, if the limited access vessel daily possession limit to defray the cost of an observer is 180 lb (82 kg), the LAGC IFQ possession limit to defray the cost of an observer would be 180 lb (82 kg) per trip, regardless of trip length.

■ 7. In § 648.53, paragraph (b)(5) is removed and reserved and paragraphs (a), (b)(1), (b)(4), (c), (g), (h)(3)(i)(B), and (h)(5) are revised to read as follows:

§ 648.53 Acceptable biological catch (ABC), annual catch limits (ACL), annual catch targets (ACT), DAS allocations, and individual fishing quotas (IFQ).

(a) *Scallop fishery ABC.* The ABC for the scallop fishery shall be established through the framework adjustment process specified in § 648.55 and is equal to the overall scallop fishery ACL. The ABC/ACL shall be divided as sub-ACLs between limited access vessels, limited access vessels that are fishing under a LAGC permit, and LAGC vessels as specified in paragraphs (a)(3) and (a)(4) of this section, after deducting the scallop incidental catch target TAC specified in paragraph (a)(2) of this section, observer set-aside specified in paragraph (g)(1) of this section, and research set-aside specified in § 648.56(d). The ABC/ACL for the 2014 fishing year is subject to change through a future framework adjustment.

(1) ABC/ACL for fishing years 2013 through 2014 shall be:

(i) *2013:* 21,004 mt (46,305,894 lb).

(ii) *2014:* 23,697 mt (52,242,942 lb).

(iii) [Reserved]

(2) *Scallop incidental catch target TAC.* The annual incidental catch target TAC for vessels with incidental catch scallop permits is 50,000 lb (22.7 mt).

(3) *Limited access fleet sub-ACL and ACT.* The limited access scallop fishery shall be allocated 94.5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a). ACT for the limited access scallop fishery shall be established through the framework adjustment process described in § 648.55. DAS specified in paragraph (b) of this section shall be based on the ACTs specified in paragraph (a)(3)(ii) of this section. The limited access fleet sub-ACL and ACT for the 2014 fishing year are subject to change through a future framework adjustment.

(i) The limited access fishery sub-ACLs for fishing years 2013 and 2014 are:

(A) *2013:* 19,093 mt (42,092,979 lb).

(B) *2014:* 21,612 mt (47,647,385 lb).

(C) [Reserved]

(ii) The limited access fishery ACTs for fishing years 2013 and 2014 are:

(A) *2013:* 15,324 mt (33,783,637 lb).

(B) *2014:* 15,428 mt (34,012,918 lb).

(C) [Reserved]

(4) *LAGC fleet sub-ACL.* The sub-ACL for the LAGC IFQ fishery shall be equal to 5.5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a). The LAGC IFQ fishery ACT shall be equal to the LAGC IFQ fishery's ACL. The ACL for the LAGC IFQ fishery for vessels issued only a LAGC IFQ scallop permit shall be equal to 5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a). The ACL for the LAGC IFQ fishery for vessels issued only both a LAGC IFQ scallop permit and a limited access scallop permit shall be 0.5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a).

(i) The ACLs for fishing years 2013 and 2014 for LAGC IFQ vessels without a limited access scallop permit are:

(A) *2013:* 1,010 mt (2,227,142 lb).

(B) *2014:* 1,144 mt (2,521,026 lb).

(C) [Reserved]

(ii) The ACLs for fishing years 2013 and 2014 for vessels issued both a LAGC and a limited access scallop permits are:

(A) *2013:* 101 mt (222,714 lb).

(B) *2014:* 114 mt (252,103 lb).

(C) [Reserved]

(b) * * *

(1) *Landings per unit effort (LPUE).* LPUE is an estimate of the average amount of scallops, in pounds, that the limited access scallop fleet lands per DAS fished. The estimated LPUE is the average LPUE for all limited access scallop vessels fishing under DAS, and shall be used to calculate DAS specified in paragraph (b)(4) of this section, the DAS reduction for the AM specified in paragraph (b)(4)(ii) of this section, and the observer set-aside DAS allocation specified in paragraph (g)(1) of this section. LPUE shall be:

(i) 2013 fishing year: 2,550 lb/DAS (1,157 kg/DAS).

(ii) 2014 fishing year: 2,600 lb/DAS (1,179 kg/DAS).

(iii) [Reserved]

* * * * *

(4) Each vessel qualifying for one of the three DAS categories specified in the table in this paragraph (b)(4) (full-time, part-time, or occasional) shall be allocated the maximum number of DAS for each fishing year it may participate in the open area limited access scallop fishery, according to its category, excluding carryover DAS in accordance with paragraph (d) of this section. DAS allocations shall be determined by distributing the portion of ACT specified in paragraph (a)(3)(ii) of this section, as reduced by access area allocations specified in § 648.59, and dividing that amount among vessels in the form of DAS calculated by applying estimates of open area LPUE specified in paragraph (b)(1) of this section. Allocation for part-time and occasional scallop vessels shall be 40 percent and 8.33 percent of the full-time DAS allocations, respectively. The annual open area DAS allocations for each category of vessel for the fishing years indicated are as follows:

SCALLOP OPEN AREA DAS ALLOCATIONS

Permit category	2013	2014
Full-Time	33	26
Part-Time	13	9
Occasional	3	2

(i) [Reserved]

(ii) *Accountability measures (AM).* Unless the limited access AM exception is implemented in accordance with the provision specified in paragraph (b)(4)(iii) of this section, if the ACL specified in paragraph (a)(3)(i) of this section is exceeded for the applicable fishing year, the DAS specified in paragraph (b)(4) of this section for each limited access vessel shall be reduced by an amount equal to the amount of landings in excess of the ACL divided by the applicable LPUE for the fishing year in which the AM will apply as specified in paragraph (b)(1) of this section, then divided by the number of scallop vessels eligible to be issued a full-time limited access scallop permit. For example, assuming a 300,000-lb (136-mt) overage of the ACL in 2011, an

open area LPUE of 2,500 lb (1.13 mt) per DAS in 2012, and 313 full-time vessels, each full-time vessel's DAS would be reduced by 0.38 DAS (300,000 lb (136 mt)/2,500 lb (1.13 mt) per DAS = 120 lb (0.05 mt) per DAS/313 vessels = 0.38 DAS per vessel). Deductions in DAS for part-time and occasional scallop vessels shall be 40 percent and 8.33 percent of the full-time DAS deduction, respectively, as calculated pursuant to this paragraph (b)(4)(ii). The AM shall take effect in the fishing year following the fishing year in which the overage occurred. For example, landings in excess of the ACL in fishing year 2011 would result in the DAS reduction AM in fishing year 2012. If the AM takes effect, and a limited access vessel uses more open area DAS in the fishing year in which the AM is applied, the vessel shall have the DAS used in excess of the allocation after applying the AM deducted from its open area DAS allocation in the subsequent fishing year. For example, a vessel initially allocated 32 DAS in 2011 uses all 32 DAS prior to application of the AM. If, after application of the AM, the vessel's DAS allocation is reduced to 31 DAS, the vessel's DAS in 2012 would be reduced by 1 DAS.

(iii) *Limited access AM exception*—If NMFS determines, in accordance with paragraph (b)(4)(ii) of this section, that the fishing mortality rate associated with the limited access fleet's landings in a fishing year is less than 0.28, the AM specified in paragraph (b)(4)(ii) of this section shall not take effect. The fishing mortality rate of 0.28 is the fishing mortality rate that is one standard deviation below the fishing mortality rate for the scallop fishery ACL, currently estimated at 0.32.

(iv) *Limited access fleet AM and exception provision timing.* The Regional Administrator shall determine whether the limited access fleet exceeded its ACL specified in paragraph (a)(3)(i) of this section by July of the fishing year following the year for which landings are being evaluated. On or about July 1, the Regional Administrator shall notify the New England Fishery Management Council (Council) of the determination of whether or not the ACL for the limited access fleet was exceeded, and the amount of landings in excess of the ACL. Upon this notification, the Scallop Plan Development Team (PDT) shall evaluate the overage and determine if the fishing mortality rate associated with total landings by the limited access scallop fleet is less than 0.28. On or about September 1 of each year, the Scallop PDT shall notify the Council of its determination, and the Council, on or about September 30, shall make a recommendation, based on the Scallop PDT findings, concerning whether to invoke the limited access AM exception. If NMFS concurs with the Scallop PDT's recommendation to invoke the limited access AM exception, in accordance with the APA, the limited access AM shall not be implemented. If NMFS does not concur, in accordance with the APA, the limited access AM shall be implemented as soon as possible after September 30 each year.

* * * * *

(c) *Adjustments in annual DAS allocations.* Annual DAS allocations shall be established for up to 3 fishing years through biennial framework adjustments as specified in § 648.55. If a biennial framework action is not undertaken by the Council and implemented by NMFS before the beginning of the third year of each biennial adjustment, the third-year measures specified in the biennial framework adjustment shall remain in effect for the next fishing year. If a new biennial or other framework adjustment is not implemented by NMFS by the conclusion of the third year, the management measures from that third year would remain in place until a new action is implemented. The Council may also recommend adjustments to DAS allocations or other measures through a framework adjustment at any time.

* * * * *

(g) *Set-asides for observer coverage.* (1) To help defray the cost of carrying an observer, 1 percent of the ABC/ACL specified in paragraph (a)(1) of this section shall be set aside to be used by vessels that are assigned to take an at-sea observer on a trip. The total TAC for observer set aside is 210 mt (463,054 lb) in fishing year 2013, and 237 mt (522,429 lb) in fishing year 2014.

(2) At the start of each scallop fishing year, the observer set-aside specified in paragraph (g)(1) of this section initially shall be divided proportionally by access and open areas, based on the amount of effort allocated into each area, in order to set the compensation and coverage rates. NMFS shall monitor the observer set-aside usage and may transfer set-aside from one area to another if one area is using more or less set-aside than originally anticipated. The set-aside may be transferred from one area to another, based on NMFS in-house area-level monitoring that determines whether one area will likely have excess set-aside while another may not. The set-aside shall be considered completely harvested when the full one percent is landed, at which point there would be no more compensation for any observed scallop trip, regardless of area. NMFS shall continue to proactively adjust compensation rates and/or observer coverage levels mid-year in order to minimize the chance that the set-aside would be harvested prior to the end of the FY. Utilization of the set-aside shall be on a first-come, first-served basis. When the set-aside for observer coverage has been utilized, vessel owners shall be notified that no additional scallop catch or DAS remain available to offset the cost of carrying observers. The obligation to carry and pay for an observer shall not be waived if set-aside is not available.

(3) *DAS set-aside for observer coverage.* A limited access scallop vessel carrying an observer in open areas shall be compensated with reduced DAS accrual rates for each trip on which the vessel carries an observer. For each DAS that a vessel fishes for scallops with an observer on board, the DAS shall be charged at a reduced rate, based on an adjustment factor determined by the Regional Administrator on an annual basis, dependent on the cost of observers, catch rates, and amount of available set-aside. The Regional Administrator shall notify vessel owners of the cost of observers and the DAS adjustment factor through a permit holder letter issued prior to the start of each fishing year. This DAS adjustment factor may also be changed during the fishing year if fishery conditions warrant such a change. The number of DAS that are deducted from each trip based on the adjustment factor shall be deducted from the observer set-aside amount in the applicable fishing year.

* * * * *

(h) * * *

(3) * * *

(i) * * *

(B) A vessel may be initially issued more than 2.5 percent of the ACL allocated to the IFQ scallop vessels as described in paragraph (a)(4)(i) of this section, if the initial determination of its contribution factor specified in accordance with § 648.4(a)(2)(ii)(E) and paragraph (h)(2)(ii) of this section, results in an IFQ that exceeds 2.5 percent of the ACL allocated to the IFQ scallop vessels as described in paragraph (a)(4)(i) of this section. A vessel that is allocated an IFQ that exceeds 2.5 percent of the ACL allocated to the IFQ scallop vessels as described in paragraph (a)(4)(i) of this section, in accordance with this paragraph (h)(3)(i)(B), may not receive IFQ through an IFQ transfer, as specified in paragraph (h)(5) of this section. All

scallops that have been allocated as part of the original IFQ allocation or transferred to a vessel during a given fishing year shall be counted towards the vessel cap.

* * * * *

(5) *Transferring IFQ*—(i) *Temporary IFQ transfers.* Subject to the restrictions in paragraph (h)(5)(iii) of this section, the owner of an IFQ scallop vessel not issued a limited access scallop permit may temporarily transfer its entire IFQ allocation, or a portion of its IFQ allocation, to another IFQ scallop vessel. Temporary IFQ transfers shall be effective only for the fishing year in which the temporary transfer is requested and processed. For the remainder of the 2013 fishing year, IFQ can be transferred only once during a given fishing year. Beginning on March 1, 2014, IFQ can be transferred more than once (i.e., sub-transferred). Temporary IFQ transfers must be in the amount of at least 100 lb (45 kg), or the entire allocation may be transferred to another vessel. If a vessel has previously transferred a portion of its IFQ and the remaining allocation is less than 100 lb (45 kg), the remaining IFQ may be transferred in full to another vessel. The Regional Administrator has final approval authority for all temporary IFQ transfer requests.

(ii) *Permanent IFQ transfers.* Subject to the restrictions in paragraph (h)(5)(iii) of this section, the owner of an IFQ scallop vessel not issued a limited access scallop permit may transfer IFQ permanently to or from another IFQ scallop vessel. Any such transfer cannot be limited in duration and is permanent, unless the IFQ is subsequently transferred to another IFQ scallop vessel, other than the originating IFQ scallop vessel, in a subsequent fishing year or, beginning on March 1, 2014, in the same fishing year as the initial permanent transfer. If a vessel owner permanently transfers the vessel's entire IFQ to another IFQ vessel, the LAGC IFQ scallop permit shall remain valid on the transferring vessel, unless the owner of the transferring vessel cancels the IFQ scallop permit. Such cancellation shall be considered voluntary relinquishment of the IFQ permit, and the vessel shall be ineligible for an IFQ scallop permit unless it replaces another vessel that was issued an IFQ scallop permit. The Regional Administrator has final approval authority for all IFQ transfer requests.

(iii) *IFQ transfer restrictions.* The owner of an IFQ scallop vessel not issued a limited access scallop permit may transfer that vessel's IFQ to another IFQ scallop vessel, regardless of whether or not the vessel has fished under its IFQ in the same fishing year. Requests for IFQ transfers cannot be less than 100 lb (46.4 kg), unless that value reflects the total IFQ amount remaining on the transferor's vessel, or the entire IFQ allocation. For the remainder of the 2013 fishing year, a vessel owner can complete several transfers of portions of his/her vessel's IFQ during the fishing year, but cannot complete a temporary transfer of a portion of its IFQ then request to either temporarily or permanently transfer the entire IFQ in the same fishing year. Beginning on March 1, 2014, a vessel's total IFQ allocation can be transferred more than once (i.e., sub-leased) during a given fishing year. A transfer of an IFQ may not result in the sum of the IFQs on the receiving vessel exceeding 2.5 percent of the ACL allocated to IFQ scallop vessels. A transfer of an IFQ, whether temporary or permanent, may not result in the transferee having a total ownership of, or interest in, general category scallop allocation that exceeds 5 percent of the ACL allocated to IFQ scallop vessels. Limited access scallop vessels that are also issued an IFQ scallop permit may not transfer to or receive IFQ from another IFQ scallop vessel.

(iv) *Application for an IFQ transfer.* The owners of vessels applying for a transfer of IFQ must submit a completed application form obtained from the Regional Administrator. The application must be signed by both parties (transferor and transferee) involved in the transfer of the IFQ, and must be submitted to the NMFS Northeast Regional Office at least 30 days before the date on which the applicants desire to have the IFQ effective on the receiving vessel. The Regional Administrator shall notify the applicants of any deficiency in the application pursuant to this section. Applications may be submitted at any time during the scallop fishing year, provided the vessel transferring the IFQ to another vessel has not utilized any of its own IFQ in that fishing year. Applications for temporary transfers received less than 45 days prior to the end of the fishing year may not be processed in time for a vessel to utilize the transferred IFQ, if approved, prior to the expiration of the fishing year.

(A) *Application information requirements.* An application to transfer IFQ must contain at least the following information: Transferor's name, vessel name, permit number, and official number or state registration number; transferee's name, vessel name, permit number, and official number or state registration number; total price paid for purchased IFQ; signatures of transferor and transferee; and date the form was completed. In addition, applications to transfer IFQ must indicate the amount (in pounds for temporary transfers, and in contribution percent for permanent transfers) of the IFQ allocation transfer, which may not be less than 100 lb (45 kg), unless that value reflects the total IFQ amount remaining on the transferor's vessel or the entire IFQ allocation. Information obtained from the transfer application will be held confidential, and will be used only in summarized form for management of the fishery. If the applicants are requesting a transfer of IFQ that has already been transferred in a given fishing year, both parties must be up-to-date with all data reporting requirements (e.g., all necessary VMS catch reports, VTR, and dealer data must be submitted) in order for the application to be processed.

(B) *Approval of IFQ transfer applications.* Unless an application to transfer IFQ is denied according to paragraph (h)(5)(iii)(C) of this section, the Regional Administrator shall issue confirmation of application approval to both parties involved in the transfer within 30 days of receipt of an application.

(C) *Denial of transfer application.* The Regional Administrator may reject an application to transfer IFQ for any of the following reasons: The application is incomplete; the transferor or transferee does not possess a valid limited access general category permit; the transferor's or transferee's vessel or IFQ scallop permit has been sanctioned, pursuant to a final administrative decision or settlement of an enforcement proceeding; the transfer will result in the transferee's vessel having an allocation that exceeds 2.5 percent of the ACL allocated to IFQ scallop vessels; the transfer will result in the transferee having a total ownership of, or interest in, a general category scallop allocation that exceeds 5 percent of the ACL allocated to IFQ scallop vessels; or any other failure to meet the requirements of the regulations in 50 CFR part 648. Upon denial of an application to transfer IFQ, the Regional Administrator shall send a letter to the applicants describing the reason(s) for the rejection. The decision by the Regional Administrator is the final agency decision, and there is no opportunity to appeal the Regional Administrator's decision. An application that was denied can be resubmitted if the discrepancy(ies) that resulted in denial are resolved.

(D) If an LAGC IFQ vessel transfers (i.e., temporary lease or permanent transfer) all of its allocation to other IFQ

vessels prior to Framework 24's implementation (i.e., transfers more than what it is allocated for fishing year 2013 pursuant to the implantation of Framework 24), the vessel(s) to which the scallops were transferred (i.e., the transferee) shall receive a pound-for-pound deduction in fishing year 2013 equal to the difference between the amount of scallops transferred and the amount allocated to the transferring vessel for 2013 pursuant to Framework 24. The vessel that transferred the scallops shall not be assessed this deduction. For example, Vessel A is allocated 5,000 lb (2,268 kg) of scallops at the start of fishing year 2013, but would receive 3,500 lb (1,588 kg) of scallops once Framework 24 is implemented. If Vessel A transfers its full March 1, 2013, allocation of 5,000 lb (2,268 kg) to Vessel B prior to Framework 24's implementation, Vessel B would lose 1,500 lb (680 kg) of that transfer once Framework 24 is implemented. In situations where a vessel leases out its IFQ to multiple vessels, the deduction of the difference between the original amount of scallops allocated and the amount allocated pursuant to Framework 24 shall begin to apply only to the transfer(s) that exceed the original allocation. Using the example above, if Vessel A first leases 3,000 lb (1,361 kg) of scallops to Vessel B and then leases 2,000 lb (907 kg) of scallops to Vessel C, only Vessel C would have to pay back IFQ in excess of Vessel A's ultimate fishing year 2013 allocation (i.e., Vessel C would have to give up 1,500 lb (680 kg) of that quota because Vessel A ultimately only had 500 lb (227 kg) of IFQ to lease out). If a vessel has already fished its leased-in quota in excess of the amount ultimately allocated pursuant to Framework 24, the vessel must either lease in more quota to make up for that overage during fishing year 2013, or the overage, along with any other overages incurred in fishing year 2013, shall be deducted from its fishing year 2014 IFQ allocation as part of the individual AM applied to the LAGC IFQ fleet, as specified in paragraph (h)(2)(vi) of this section.

■ 8. In § 648.54, paragraph (c) is revised to read as follows:

§ 648.54 State waters exemption.

* * * * *

(c) *Gear and possession limit restrictions.* Any vessel issued a limited access scallop permit, an LAGC NGOM, or an LAGC IFQ scallop permit is exempt from the minimum twine top mesh size for scallop dredge gear specified in § 648.51(b)(2) and (b)(4)(iv) while fishing exclusively landward of the outer boundary of the waters of the State of Maine under the state waters exemption specified in paragraph (a)(4) of this section, provided the vessel is in compliance with paragraphs (d) through (g) of this section.

* * * * *

■ 8a. In § 648.58, paragraphs (a) and (b) are added to read as follows:

§ 648.58 Rotational Closed Areas.

(a) *Elephant Trunk Closed Area.* No vessel may fish for scallops in, or possess or land scallops from, the area known as the Elephant Trunk Closed Area. No vessel may possess scallops in the Elephant Trunk Closed Area, unless such vessel is only transiting the area as provided in paragraph (c) of this section. The Elephant Trunk Closed Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
ETAA1	38°50′ N	74°20′ W
ETAA2	38°10′N	74°20′ W
ETAA3	38°10′ N	73°30′ W
ETAA4	38°50′ N	73°30′ W
ETAA1	38°50′ N	74°20′ W

(b) *Delmarva Closed Area.* No vessel may fish for scallops in, or possess or land scallops from, the area known as the Delmarva Closed Area. No vessel may possess scallops in the Delmarva Closed Area, unless such vessel is only transiting the area as provided in paragraph (c) of this section. The Delmarva Closed Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
DMV1	38°10′ N	74°50′ W
DMV2	38°10′N	74°00′ W
DMV3	37°15′ N	74°00′ W
DMV4	37°15′ N	74°50′ W
DMV1	38°10′ N	74°50′ W

* * * * *

■ 9. Revise § 648.59 to read as follows:

§ 648.59 Sea Scallop Access Areas.

(a) [Reserved].

(b) *Closed Area I Access Area*—(1) From March 1, 2014, through February 28, 2015 (i.e., fishing year 2014), vessels issued scallop permits may not fish for, possess, or land scallops in or from, the area known as the Closed Area I Access Area, described in paragraph (b)(3) of this section, unless transiting pursuant to paragraph (f) of this section. Vessels issued both a NE Multispecies permit and an LAGC scallop permit may fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, provided they comply with restrictions in paragraph (b)(5)(ii)(C) of this section.

(2) From March 1, 2013, through February 28, 2014 (i.e., fishing year 2013), a vessel issued a scallop permit may fish for, possess, and land scallops in or from the area known as the Closed Area I Access Area, described in paragraph (b)(3) of this section, only if the vessel is participating in, and complies with the requirements of, the area access program described in § 648.60.

(3) The Closed Area I Access Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request), and so that the line connecting points CAIA3 and CAIA4 is the same as the portion of the western boundary line of Closed Area I, defined in § 648.81(a)(1), that lies between points CAIA3 and CAIA4:

Point	Latitude	Longitude
CAIA1	41°26′ N	68°30′ W
CAIA2	40°58′ N	68°30′ W
CAIA3	40°54.95′ N	68°53.40′ W
CAIA4	41°04.30′ N	69°01.29′ W
CAIA1	41°26′ N	68°30′ W

(4) [Reserved]

(5) *Number of trips*—(i) *Limited access vessels.* Based on its permit category, a vessel issued a limited access scallop permit may fish no more than the maximum number of trips in the Closed Area I Access Area, unless the vessel owner has made an exchange with another vessel owner whereby the vessel gains a Closed Area I Access Area trip and gives up a trip into another Sea Scallop Access Area, as specified in § 648.60(a)(3)(ii), or unless the vessel is taking a compensation trip for a prior Closed Area I Access Area trip that was terminated early, as specified in § 648.60(c). The number of trips allocated to limited access vessels in the Closed Area I Access Area shall be based on the TAC for the access area, which will be determined through the annual framework process and specified in paragraph (c)(5)(i) of this section. The number of trips allocated to limited access vessels in the Closed Area I Access Area shall be based on the TAC for the access area, which shall be determined through the annual framework process and specified in this paragraph (b)(5)(i). The Closed Area I

Access Area scallop TAC for limited access scallop vessels is 1,534,000 lb (695.8 mt) in fishing year 2013. Limited access scallop vessels shall not receive Closed Area I Access Area trip allocations in fishing year 2014.

(ii) *LAGC scallop vessels.* (A) The percentage of the Closed Area I Access Area TAC to be allocated to LAGC scallop vessels shall be specified through the framework adjustment process and shall determine the number of trips allocated to LAGC scallop vessels as specified in paragraph (b)(5)(ii)(B) of this section. The TAC applies to both LAGC IFQ vessels and limited access vessels with LAGC IFQ permits that are fishing under the provisions of the LAGC IFQ permit. LAGC IFQ vessels will be allocated 5.5 percent of the Closed Area I Access Area TAC in fishing year 2013. The Closed Area I Access Area is closed to LAGC IFQ vessels in fishing year 2014.

(B) LAGC IFQ vessels are allocated a total of 212 trips in fishing year 2013 in the Closed Area I Access Area. This trip allocation is based on 5.5 percent of the Closed Area I Access Area TAC, and also includes 72 trips that have been set aside from the Closed Area II Access Area and evenly distributed to access areas available to LAGC IFQ vessels in the 2013 fishing year. No LAGC IFQ trips will be allocated in Closed Area I Access Area in fishing year 2014. The Regional Administrator shall notify all LAGC scallop vessels of the date when the maximum number of allowed trips for the applicable fishing year have been, or are projected to be, taken by providing notification in the **Federal Register**, in accordance with § 648.60(g)(4). Except as provided in paragraph (b)(5)(ii)(C) of this section, and subject to the seasonal restrictions specified in paragraph (b)(4) of this section, an LAGC scallop vessel may not fish for, possess, or land sea scallops in or from the Closed Area I Access Area, or enter the Closed Area I Access Area on a declared LAGC scallop trip after the effective date published in the **Federal Register**, unless transiting pursuant to paragraph (f) of this section.

(C) A vessel issued a NE Multispecies permit and a LAGC scallop permit that is fishing in an approved SAP under § 648.85 under multispecies DAS may fish in the Scallop Access Areas without being subject to the restrictions of paragraph (b)(5)(ii)(A) of this section, provided that it has not enrolled in the Scallop Area Access program. Such vessel is prohibited from fishing for, possessing, or landing scallops.

(D) Scallops landed by each LAGC IFQ vessel on a Closed Area I Access Area trip shall count against that vessel's IFQ.

(iii) *Limited access vessels.* Based on its permit category, a vessel issued a limited access scallop permit may fish no more than the maximum number of trips in the Closed Area I Access Area, unless the vessel owner has made an exchange with another vessel owner whereby the vessel gains a Closed Area I Access Area trip and gives up a trip into another Sea Scallop Access Area, as specified in § 648.60(a)(3)(ii), or unless the vessel is taking a compensation trip for a prior Closed Area I Access Area trip that was terminated early, as specified in § 648.60(c).

(c) *Closed Area II Access Area.*—(1) From March 1, 2014, through February 28, 2015 (i.e., fishing year 2014), vessels issued scallop permits may not fish for, possess, or land scallops in or from, the area known as the Closed Area II Access Area, described in paragraph (c)(3) of this section, unless transiting pursuant to paragraph (f) of this section. Vessels issued both a NE Multispecies permit and an LAGC scallop permit may fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, provided they comply with restrictions in paragraph (c)(5)(ii)(C) of this section.

(2) From March 1, 2013, through February 28, 2014 (i.e., fishing year 2013), subject to the seasonal restrictions specified in paragraph (c)(4) of this section, a vessel issued a scallop permit may fish for, possess, or land scallops in or from the area known as the Closed Area II Sea Scallop Access Area, described in paragraph (c)(3) of this section, only if the vessel is participating in, and complies with the requirements of, the area access program described in § 648.60.

(3) The Closed Area II Sea Scallop Access Area is defined by straight lines, except where noted, connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
CAIIA1	41°00′ N.	67°20′ W.
CAIIA2	41°00′ N.	66°35.8′ W.
CAIIA3	41°18.6′ N.	([1]) ([2])
CAIIA4	41°30′ N.	([3])
CAIIA5	41°30′ N.	67°20′ W.
CAIIA1	41°00′ N.	67°20′ W.

[1] The intersection of 41°18.6 N. lat. and the U.S.-Canada maritime boundary.

[2] From Point CAIIA3 connected to Point CAIIA4 along the U.S.-Canada maritime boundary.

[3] The intersection of 41°30 N. lat. and the U.S.-Canada maritime boundary.

(4) *Season.* A vessel issued a scallop permit may not fish for, possess, or land scallops in or from the area known as the Closed Area II Sea Scallop Access Area, described in paragraph (c)(3) of this section, during the period of August 15 through November 15 of each year the Closed Area II Access Area is open to scallop vessels, unless transiting pursuant to paragraph (f) of this section.

(5) *Number of trips*—(i) *Limited access vessels.* Based on its permit category, a vessel issued a limited access scallop permit may fish no more than the maximum number of trips in the Closed Area II Access Area, unless the vessel owner has made an exchange with another vessel owner whereby the vessel gains a Closed Area II Access Area trip and gives up a trip into another Sea Scallop Access Area, as specified in § 648.60(a)(3)(ii), or unless the vessel is taking a compensation trip for a prior Closed Area II Access Area trip that was terminated early, as specified in § 648.60(c). The number of trips allocated to limited access vessels in the Closed Area II Access Area shall be based on the TAC for the access area, which will be determined through the annual framework process and specified in this paragraph (c)(5)(i). The Closed Area II Access Area scallop TAC for limited access scallop vessels is 2,366,000 lb (1,073.2 mt) in fishing year 2013. Limited access scallop vessels shall not receive Closed Area II Access Area trip allocations in fishing year 2014.

(ii) *LAGC scallop vessels.* (A) The percentage of the total Closed Area II Access Area TAC to be allocated to LAGC IFQ scallop vessels shall be specified through the framework adjustment process and shall determine the number of trips allocated to IFQ LAGC scallop vessels as specified in paragraph (c)(5)(ii)(B) of this section. The TAC applies to both LAGC IFQ vessels and limited access vessels with LAGC IFQ permits. The Closed Area II Access Area is closed to LAGC IFQ vessels in the 2013 fishing year.

(B) The Regional Administrator shall notify all LAGC scallop vessels of the date when the maximum number of allowed trips for the applicable fishing year have been, or are projected to be, taken by providing notification in the **Federal Register**, in accordance with § 648.60(g)(4). Except as provided in paragraph (c)(5)(ii)(C) of this section, and subject to the seasonal restrictions specified in paragraph (c)(4) of this section, an LAGC scallop vessel may not fish for, possess, or land sea scallops in or from the Closed Area II Access Area,

or enter the Closed Area II Access Area on a declared LAGC scallop trip after the effective date published in the **Federal Register** unless transiting pursuant to paragraph (f) of this section.

(C) A vessel issued a NE Multispecies permit and an LAGC scallop permit that is fishing in an approved SAP under § 648.85 under multispecies DAS may fish in the Scallop Access Areas without being subject to the restrictions of paragraph (c)(5)(ii)(A) of this section, provided that it has not enrolled in the Scallop Area Access program. Such vessel is prohibited from fishing for, possessing, or landing scallops.

(D) Scallops landed by each LAGC IFQ vessel on a Closed Area II Access Area trip shall count against that vessel's IFQ.

(d) *Nantucket Lightship Access Area.*—(1) From March 1, 2014, through February 28, 2015 (i.e., fishing year 2014), vessels issued scallop permits may not fish for, possess, or land scallops in or from the area known as the Nantucket Lightship Access Area, described in paragraph (d)(3) of this section, unless transiting pursuant to paragraph (f) of this section. Vessels issued both a NE multispecies permit and an LAGC scallop permit may fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, provided they comply with restrictions in paragraph (d)(5)(ii)(C) of this section.

(2) From March 1, 2013, through February 28, 2014 (i.e., fishing year 2013), a vessel issued a scallop permit may fish for, possess, or land scallops in or from the area known as the Nantucket Lightship Sea Scallop Access Area, described in paragraph (d)(3) of this section, only if the vessel is participating in, and complies with the requirements of, the area access program described in § 648.60.

(3) The Nantucket Lightship Sea Scallop Access Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
NLAA1	40°50′ N	69°30′ W
NLAA2	40°50′ N	69°00′ W
NLAA3	40°20′ N	69°00′ W
NLAA4	40°20′ N	69°30′ W
NLAA1	40°50′ N	69°30′ W

(4) [Reserved]

(5) *Number of trips*—(i) *Limited access vessels.* Based on its permit category, a vessel issued a limited access scallop permit may fish no more than the maximum number of trips in the Nantucket Lightship Access Area, unless the vessel owner has made an exchange with another vessel owner whereby the vessel gains a Nantucket Lightship Access Area trip and gives up a trip into another Sea Scallop Access Area, as specified in § 648.60(a)(3)(ii), or unless the vessel is taking a compensation trip for a prior Nantucket Lightship Access Area trip that was terminated early, as specified in § 648.60(c). The number of trips allocated to limited access vessels in the Nantucket Lightship Access Area shall be based on the TAC for the access area. The Nantucket Lightship Access Area scallop TAC for limited access scallop vessels is 1,508,000 lb (684.0 mt) in fishing year 2013. Limited access scallop vessels shall not receive Nantucket Lightship Access Area trip allocations in fishing year 2014.

(ii) *LAGC scallop vessels.* (A) The percentage of the Nantucket Lightship Access Area TAC to be allocated to LAGC IFQ scallop vessels shall be specified through the framework adjustment process and shall determine the number of trips allocated to LAGC IFQ scallop vessels as specified in paragraph (d)(5)(ii)(B) of this section. The TAC applies to both LAGC IFQ vessels and limited access vessels with LAGC IFQ permits that are fishing under the provisions of the LAGC IFQ permit. LAGC IFQ vessels are allocated 5.5 percent of the Nantucket Lightship Access Area TAC in fishing year 2013. The Nantucket Lightship Access Area is closed to LAGC IFQ vessels in fishing year 2014.

(B) LAGC scallop vessels are allocated 206 trips to the Nantucket Lightship Access Area in fishing year 2013. This trip allocation is based on 5.5 percent of the Nantucket Lightship Access Area TAC, and also includes 72 trips that have been set aside from the Closed Area II Access Area and evenly distributed to access areas available to LAGC IFQ vessels in the 2013 fishing year. This fleet-wide trip allocation applies to both LAGC IFQ vessels and limited access vessels with LAGC IFQ permits that are fishing under the provisions of the LAGC IFQ permit. The Regional Administrator shall notify all LAGC IFQ scallop vessels of the date when the total number of trips have been, or are projected to be, taken by providing notification in the **Federal Register**, in accordance with § 648.60(g)(4). Except as provided in paragraph (d)(5)(ii)(C) of this section, an LAGC IFQ scallop vessel may not fish for, possess, or land sea scallops in or from the Nantucket Lightship Access Area, or enter the Nantucket Lightship Access Area on a declared LAGC IFQ scallop trip after the effective date published in the **Federal Register**, unless transiting pursuant to paragraph (f) of this section.

(C) A vessel issued a NE Multispecies permit and an LAGC scallop permit that is fishing in an approved SAP under § 648.85 under multispecies DAS may fish in the Scallop Access Areas without being subject to the restrictions of paragraph (d)(5)(ii)(A) of this section, provided that it has not enrolled in the Scallop Area Access program. Such vessel is prohibited from fishing for, possessing, or landing scallops.

(D) Scallops landed by each LAGC IFQ vessel on a Nantucket Lightship Access Area trip shall count against that vessel's IFQ.

(e) *Hudson Canyon Sea Scallop Access Area.* (1) From March 1, 2014, through February 28, 2015 (i.e., fishing year 2014), vessels issued scallop permits may not fish for, possess, or land scallops in or from the area known as the Hudson Canyon Access Area, described in paragraph (e)(3) of this section, unless transiting pursuant to paragraph (f) of this section.

(2) From March 1, 2013, through February 28, 2014 (i.e., fishing year 2013), a vessel issued a scallop permit may fish for, possess, or land scallops in or from the area known as the Hudson Canyon Sea Scallop Access Area, described in paragraph (e)(3) of this section, only if the vessel is participating in, and complies with the requirements of, the area access program described in § 648.60.

(3) The Hudson Canyon Sea Scallop Access Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
H1	39°30′ N	73°10′ W
H2	39°30′ N	72°30′ W
H3	38°30′ N	73°30′ W
H4	38°50′ N	73°30′ W
H5	38°50′ N	73°42′ W
H1	39°30′ N	73°10′ W

(4) *Number of trips*—(i) *Limited access vessels.* Based on its permit category, a vessel issued a limited access scallop permit may fish no more than the maximum number of trips in the Hudson Canyon Sea Scallop Access Area, unless the vessel owner has made an exchange with another vessel owner whereby the vessel gains a Hudson Canyon Sea Scallop Access Area trip and gives up a trip into another Sea Scallop Access Area, as specified in § 648.60(a)(3)(ii), or unless the vessel is

taking a compensation trip for a prior Hudson Canyon Access Area trip that was terminated early, as specified in § 648.60(c). The Hudson Canyon Access Area scallop TAC for limited access scallop vessels is 2,730,000 lb (1,238.3 mt) in fishing year 2013. Limited access scallop vessels shall not receive Hudson Canyon Access Area trip allocations in fishing year 2014.

(ii) *LAGC IFQ scallop vessels.*—(A) The percentage of the Hudson Canyon Access Area TAC to be allocated to LAGC scallop vessels shall be specified through the framework adjustment process and shall determine the number of trips allocated to LAGC IFQ scallop vessels as specified in paragraph (e)(4)(ii)(B) of this section. The TAC applies to both LAGC IFQ vessels and limited access vessels with LAGC IFQ permits that are fishing under the provisions of the LAGC IFQ permit. LAGC IFQ vessels shall be allocated 5.5 percent of the Hudson Canyon Access Area TAC in fishing year 2013. The Hudson Canyon Access Area is closed to LAGC IFQ vessels in fishing year 2014.

(B) LAGC IFQ vessels are allocated a total of 317 trips in the Hudson Canyon Access Area in fishing year 2013. This trip allocation is based on 5.5 percent of the Hudson Canyon Access Area TAC, and also includes 72 trips that have been set aside from the Closed Area II Access Area and evenly distributed to access areas available to LAGC IFQ vessels in the 2013 fishing year. This fleet-wide trip allocation applies to both LAGC IFQ vessels and limited access vessels with LAGC IFQ permits that are fishing under the provisions of the LAGC IFQ permit. The Regional Administrator shall notify all LAGC IFQ scallop vessels of the date when the maximum number of allowed trips have been, or are projected to be taken by providing notification in the **Federal Register**, in accordance with § 648.60(g)(4). An LAGC IFQ scallop vessel may not fish for, possess, or land sea scallops in or from the Hudson Canyon Access Area, or enter the Hudson Canyon Access Area on a declared LAGC IFQ scallop trip after the effective date published in the **Federal Register**, unless transiting pursuant to paragraph (f) of this section.

(C) Scallops landed by each LAGC IFQ vessel on a Hudson Canyon Access Area trip shall count against that vessel's IFQ.

(f) *Transiting.* A sea scallop vessel that has not declared a trip into the Sea Scallop Area Access Program may enter the Sea Scallop Access Areas described in paragraphs (a), (b), (d), and (e), of this section, and possess scallops not caught in the Sea Scallop Access Areas, for transiting purposes only, provided the vessel's fishing gear is stowed in accordance with § 648.23(b). A scallop vessel that has declared a trip into the Sea Scallop Area Access Program may transit a Scallop Access Area while steaming to or from another Scallop Access Area, provided the vessel's fishing gear is stowed in accordance with § 648.23(b), or there is a compelling safety reason to be in such areas without such gear being stowed. A vessel may only transit the Closed Area II Access Area, as described in paragraph (c) of this section, if there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed in accordance with § 648.23(b).

■ 10. In § 648.60, paragraphs (a)(3)(ii)(A), (a)(4)(i), (c)(5)(ii)(A), and (e)(3) are removed and reserved and paragraphs (a)(3)(i), (a)(5)(i), (d), (e)(1), and (g)(4)(ii) are revised to read as follows:

§ 648.60 Sea scallop area access program requirements.

(a) * * *

(3) * * *

(i) *Limited access vessel trips.* (A) Except as provided in paragraph (c) of this section, paragraphs (a)(3)(i)(B) through (E) of this section specify the total number of trips that a limited access scallop vessel may take into Sea Scallop Access Areas during applicable seasons specified in § 648.59. The number of trips per vessel in any one Sea Scallop Access Area may not exceed the maximum number of trips allocated for such Sea Scallop Access Area as specified in § 648.59, unless the vessel owner has exchanged a trip with another vessel owner for an additional Sea Scallop Access Area trip, as specified in paragraph (a)(3)(ii) of this section, or has been allocated a compensation trip pursuant to paragraph (c) of this section. No access area trips are allocated for fishing year 2014.

(B) *Full-time scallop vessels.* In fishing year 2013, each full-time vessel shall have a total of two access area trips in two of the following areas: Hudson Canyon Access Area, Closed Area I Access Area, Closed Area II Access Area, and Nantucket Lightship Access Area. These allocations shall be determined by the Regional Administrator through a random assignment and shall be made publically available on the NMFS Northeast Region Web site prior to the start of the 2013 fishing year. If, prior to the implementation of Framework 24, a full-time vessel lands more scallops from the Hudson Canyon Access Area than ultimately allocated for fishing year 2013, that vessel is not eligible to take any additional access area trips in fishing year 2013 and NMFS shall deduct 12 open area DAS in fishing year 2013 from that vessel's allocation.

(C) *Part-time scallop vessels.* (*1*) For the 2013 fishing year, a part-time scallop vessel is allocated two trips that may be distributed between access areas as follows: One trip in the Closed Area I Access Area and one trip in the Closed Area II Access Area; one trip in the Closed Area I Access Area and one trip in the Hudson Canyon Access Area; one trip in the Closed Area I Access Area and one trip in the Nantucket Lightship Access Area; one trip in the Closed Area II Access Area and one trip in the Hudson Canyon Access Area; one trip in the Closed Area II Access Area and one trip in the Nantucket Lightship Access Area; or one trip in the Hudson Canyon Access Area and one trip in the Nantucket Lightship Access Area.

(*i*) If, prior to the implementation of Framework 24, a part-time vessel lands more scallops from the Hudson Canyon Access Area than ultimately allocated for fishing year 2013, NMFS shall deduct five open area DAS in fishing year 2013 from that vessel's allocation.

(*ii*) [Reserved].

(*2*) For the 2014 fishing year, part-time scallop vessels shall not receive access area trip allocations.

(D) *Occasional scallop vessels.* For the 2013 fishing year, an occasional scallop vessel may take one trip in the Closed Area I Access Area, or one trip in the Closed Area II Access Area, or one trip in the Nantucket Lightship Access Area, or one trip in the Hudson Canyon Access Area. If, prior to the implementation of Framework 24, an occasional vessel lands more scallops from the Hudson Canyon Access Area than ultimately allocated for fishing year 2013, NMFS shall deduct one open area DAS in fishing year 2013 from that vessel's allocation.

* * * * *

(5) * * *

(i) *Scallop possession limits.* Unless authorized by the Regional Administrator, as specified in paragraphs (c) and (d) of this section, after declaring a trip into a Sea Scallop Access Area, a vessel owner or operator of a limited access scallop vessel may fish for, possess, and land, per trip, scallops, up to the maximum amounts specified in the table in this paragraph (a)(5). No vessel declared into the Access Areas as described in § 648.59(a) through (e) may possess more than 50 bu (17.62 hL) of in-shell scallops outside of the Access Areas described in § 648.59(a) through (e).

Fishing year	Permit category possession limit		
	Full-time	Part-time	Occasional
2013	13,000 lb (5,897 kg)	10,400 lb (4,717 kg)	2,080 lb (943 kg)

* * * * *

(d) *Increase in possession limit to defray costs of observers*—The Regional Administrator may increase the sea scallop possession limit specified in paragraph (a)(5) of this section to defray costs of at-sea observers deployed on area access trips subject to the limits specified § 648.53(g). An owner of a scallop vessel shall be notified of the increase in the possession limit through a permit holder letter issued by the Regional Administrator. If the observer set-aside is fully utilized prior to the end of the fishing year, the Regional Administrator shall notify owners of scallop vessels that, effective on a specified date, the increase in the possession limit is no longer available to offset the cost of observers. Unless otherwise notified by the Regional Administrator, vessel owners shall be responsible for paying the cost of the observer, regardless of whether the vessel lands or sells sea scallops on that trip, and regardless of the availability of set-aside for an increased possession limit.

(e) * * *

(1) *Access Areas available for harvest of research set-aside (RSA).* RSA may be harvested in any access area that is open in a given fishing year, as specified through a framework adjustment and pursuant to § 648.56. The amount of pounds that can be harvested in each access area by vessels participating in approved RSA projects shall be determined through the RSA application review and approval process. The access areas open for RSA harvest for fishing years 2013 and 2014 are:

(i) *2013:* Hudson Canyon Access Area, Nantucket Lightship Access Area, Closed Area I Access Area, and Closed Area II Access Area.

(ii) *2014:* None.

* * * * *

(g) * * *

(4) * * *

(ii) *Other species.* Unless issued an LAGC scallop permit and fishing under an approved NE multispecies SAP under NE multispecies DAS, an LAGC IFQ vessel fishing in the Access Areas specified in § 648.59(b) through (d) is prohibited from possessing any species of fish other than scallops and monkfish, as specified in § 648.94(c)(8)(i).

* * * * *

■ 12. In § 648.61, paragraphs (a)(1) and (5) are revised to read as follows.

§ 648.61 EFH closed areas.

(a) * * *

(1) *Western GOM Habitat Closure Area.* The restrictions specified in this paragraph (a) apply to the Western GOM Habitat Closure Area, which is the area bounded by straight lines connecting the following points in the order stated:

WESTERN GOM HABITAT CLOSURE AREA

Point	N. lat.	W. long.
WGM1	43°15′	70°15′
WGM2	42°15′	70°15′
WGM3	42°15′	70°00′
WGM4	43°15′	70°00′
WGM1	43°15′	70°15′

* * * * *

(5) *Closed Area II Habitat Closure Area.* The restrictions specified in this paragraph (a) apply to the Closed Area II Habitat Closure Area (also referred to as the Habitat Area of Particular Concern), which is the area bounded by straight lines, except where noted, connecting the following points in the order stated:

CLOSED AREA II HABITAT CLOSURE AREA

Point	N. Lat.	W. Long.
CIIH1	42°10′	67°20′
CIIH2	42°10′	(1) (2)
CIIH3	42°00′	(3)
CIIH4	42°00′	67°10′
CIIH5	41°50′	67°10′
CIIH6	41°50′	67°20′
CIIH1	42°10′	67°20′

[1] The intersection of 42°10 N. lat. and the U.S.-Canada maritime boundary.

[2] From Point CAIIA3 connected to Point CAIIA4 along the U.S.-Canada maritime boundary.

[3] The intersection of 42°00 N. lat. and the U.S.-Canada maritime boundary.

* * * * *

■ 13. In § 648.62, paragraph (b)(1) is revised to read as follows.

§ 648.62 Northern Gulf of Maine (NGOM) Management Program.

* * * * *

(b) * * *

(1) *NGOM annual hard TACs.* The annual hard TAC for the NGOM is 70,000 lb (31.8 mt) for the 2013 and 2014 fishing years.

* * * * *

■ 14. In § 648.64, paragraph (d) is removed and reserved, and paragraphs (a), (b)(1), (c), and (e) are revised to read as follows:

§ 648.64 Yellowtail flounder sub-ACLs and AMs for the scallop fishery.

(a) As specified in § 648.55(d), and pursuant to the biennial framework adjustment process specified in § 648.90, the scallop fishery shall be allocated a sub-ACL for the Georges Bank and Southern New England/Mid-Atlantic stocks of yellowtail flounder. The sub-ACLs for the 2013 fishing year are specified in § 648.90(a)(4)(iii)(C) of the NE multispecies regulations.

(b) * * *

(1) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the Georges Bank yellowtail flounder sub-ACL for the scallop fishery is exceeded, the area defined by the following coordinates, bounded in the order stated by straight lines except where noted, shall be closed to scallop fishing by vessels issued a limited access scallop permit for the period of time specified in paragraph (b)(2) of this section:

GEORGES BANK YELLOWTAIL ACCOUNTABILITY MEASURE CLOSURE

Point	N. lat.	W. long.
GBYT AM 1	41°50′	(1) (2)
GBYT AM 2	40°30.75′	(3)
GBYT AM 3	40°30′	66°40′
GBYT AM 4	40°40′	66°40′
GBYT AM 5	40°40′	66°50′
GBYT AM 6	40°50′	66°50′
GBYT AM 7	40°50′	67°00′
GBYT AM 8	41°00′	67°00′
GBYT AM 9	41°00′	67°20′
GBYT AM 10	41°10′	67°20′
GBYT AM 11	41°10′	67°40′
GBYT AM 12	41°50′	67°40′
GBYT AM 1	41°50′	66°51.94′

[1] The intersection of 41°50 N. lat. and the U.S.-Canada maritime boundary.

[2] From Point CAIIA3 connected to Point CAIIA4 along the U.S.-Canada maritime boundary.

[3] The intersection of 41°30.75 N. lat. and the U.S.-Canada maritime boundary.

* * * * *

(c) *Southern New England/Mid-Atlantic accountability measures.* (1) *Limited access scallop vessels.* —(i) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the Southern New England/Mid-Atlantic yellowtail

flounder sub-ACL for the scallop fishery is exceeded, the area defined by the following coordinates, bounded in the order stated by straight lines except where noted, shall be closed to scallop fishing by vessels issued a limited access scallop permit for the period of time specified in paragraph (c)(1)(ii) of this section. The Southern New England Yellowtail Accountability Measure Closure Area for Limited Access Scallop Vessels is comprised of Northeast Region Statistical Areas #537, #539 and #613, and is defined by the following coordinates, connected in the order listed by straight lines, unless otherwise noted:

Point	N. lat.	W. long.
LA SNEYT AM 1 ..	(1)	73°00′
LA SNEYT AM 2 ..	40°00′	73°00′
LA SNEYT AM 3 ..	40°00′	71°40′
LA SNEYT AM 4 ..	39°50′	71°40′
LA SNEYT AM 5 ..	39°50′	70°00′
LA SNEYT AM 6 ..	(2) (3)	70°00′
LA SNEYT AM 7 [4]	41°16.76′	70°13.47′
LA SNEYT AM 8 [5]	41°18.01′	70°15.47′
LA SNEYT AM 9 [6]	41°20.26′	70°18.30′
LA SNEYT AM 10 [7]	41°21.09′ [8]	70°27.03′
LA SNEYT AM 11	41°20′	(9)
LA SNEYT AM 12	41°20′	71°10′
LA SNEYT AM 13	(10) (11)	71°10′
LA SNEYT AM 14	(12)	71°40′
LA SNEYT AM 15	41°00′	71°40′
LA SNEYT AM 16	41°00′ [13]	(14)

[1] The south facing mainland coastline of Long Island.
[2] The southern coastline of Nantucket.
[3] From Point F to Point G along the southern coastline of Nantucket.
[4] Point G represents Esther Island, Nantucket, Massachusetts.
[5] Point H represents Tuckernuck Island, Nantucket, Massachusetts.
[6] Point I represents Muskeget Island, Nantucket, Massachusetts.
[7] Point J represents Wasque Point, Chappaquiddick Island, Massachusetts.
[8] From Point J to Point K along the southern coastline of Martha's Vineyard.
[9] The western coastline of Martha's Vineyard.
[10] The southern coastline of Rhode Island.
[11] From Point M to Point B following the mainland coastline of Rhode Island.
[12] The southern coastline of Rhode Island.
[13] From Point P back to Point A along the southern mainland coastline of Long Island.
[14] Southeast facing coastline of Long Island.

(ii) *Duration of closure.* The Southern New England/Mid-Atlantic yellowtail flounder accountability measure closed area for limited access vessels shall remain closed for the period of time, not to exceed 1 fishing year, as specified for the corresponding percent overage of the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL, as follows:

Percent overage of YTF sub-ACL	Length of closure
2 or less	March through April.
2.1–3	March through April, and February.
3.1–7	March through May, and February.
7.1–9	March through May and January through February.
9.1–12	March through May and December through February.
12.1–15	March through June and December through February.
15.1–16	March through June and November through February.
16.1–18	March through July and November through February.
18.1–19	March through August and October through February.
19.1 or more	March through February.

(2) *Limited access general category IFQ scallop vessels using dredges.*—(i) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL for the scallop fishery is exceeded, and the criteria in paragraph (c)(2)(iii) of this section are met, the Southern New England Yellowtail Accountability Measure Closure Areas described in paragraphs (c)(2)(ii) through (iv) shall be closed to scallop fishing by vessels issued an LAGC IFQ scallop permit and using dredges for the period of time specified in paragraph (c)(2)(v) of this section.

(ii) *Closure Area 1* is comprised of Northeast Region Statistical Area #537, and is defined by the following coordinates, connected in the order listed by straight lines, unless otherwise noted:

Point	N. lat.	W. long.
LAGC Dredge SNEYT AM1 A	41°20′	(1)
LAGC Dredge SNEYT AM1 B	41°20′	71°10′
LAGC Dredge SNEYT AM1 C	41°10′	71°10′
LAGC Dredge SNEYT AM1 D	41°10′	71°20′
LAGC Dredge SNEYT AM1 E	40°50′	71°20′
LAGC Dredge SNEYT AM1 F	40°50′	71°40′
LAGC Dredge SNEYT AM1 G	39°50′	71°40′
LAGC Dredge SNEYT AM1 H	39°50′	70°00′
LAGC Dredge SNEYT AM1 I	(2) (3)	70°00′
LAGC Dredge SNEYT AM1 J [4]	41°16.76′	70°13.47′
LAGC Dredge SNEYT AM1 K [5]	41°18.01′	70°15.47′
LAGC Dredge SNEYT AM1 L [6]	41°20.26′	70°18.30′
LAGC Dredge SNEYT AM1 M [7]	41°21.09′ [8]	70°27.03′

[1] The western coastline of Martha's Vineyard.
[2] The southern coastline of Nantucket.
[3] From Point I to Point J along the southern coastline of Nantucket.
[4] Point J represents Esther Island, Nantucket, Massachusetts.
[5] Point K represents Tuckernuck Island, Nantucket, Massachusetts.

[6] Point L represents Muskeget Island, Nantucket, Massachusetts.
[7] Point M represents Wasque Point, Chappaquiddick Island, Massachusetts.
[8] From Point M back to Point A along the southern coastline of Martha's Vineyard.

(iii) *Closure Area 2* is comprised of Northeast Region Statistical Area #613, and is defined by the following coordinates, connected in the order listed by straight lines, unless otherwise noted:

Point	N. lat.	W. long.
LAGC Dredge SNEYT AM2 A	(1)	73°00′
LAGC Dredge SNEYT AM2 B	40°00′	73°00′
LAGC Dredge SNEYT AM2 C	40°00′	71°40′
LAGC Dredge SNEYT AM2 D	41°00′	71°40′
LAGC Dredge SNEYT AM2 E	41°00′ [2]	(3)

[1] The south facing mainland coastline of Long Island.
[2] Southeast facing coastline of Long Island.
[3] From Point E back to Point A along the southern mainland coastline of Long Island.

(iv) *Closure Area 3* is comprised of Northeast Region Statistical Area #539, and is defined by the following coordinates, connected in the order listed by straight lines, unless otherwise noted:

Point	N. lat.	W. long.
LAGC Dredge SNEYT AM3 A	(1)	71°40′
LAGC Dredge SNEYT AM3 B	40°50′ N	71°40′
LAGC Dredge SNEYT AM3 C	40°50′ N	71°20′
LAGC Dredge SNEYT AM3 D	41°10′ N	71°20′
LAGC Dredge SNEYT AM3 E	41°10′ N	71°10′
LAGC Dredge SNEYT AM3 F	(1) (2)	71°10′

[1] The southern coastline of Rhode Island.
[2] From Point F back to Point A following the southern mainland coastline of Rhode Island.

(v) *Duration of closure.* The Southern New England/Mid-Atlantic yellowtail flounder accountability measure closure areas for LAGC IFQ vessels using dredge gear shall remain closed for the period of time, not to exceed 1 fishing year, as specified for the corresponding percent overage of the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL, as follows:

AM closure area and duration	Percent overage of YTF sub-ACL		
	AM Closure Area 1	AM Closure Area 2	AM Closure Area 3
2 or less	Mar–Apr	Mar–Apr	Mar–Apr.
2.1–7	Mar–May, Feb	Mar–May, Feb	Mar–May, Feb.
7.1–12	Mar–May, Dec–Feb	Mar–May, Feb	Mar–May, Dec–Feb.
12.1–16	Mar–Jun, Nov–Feb	Mar–May, Feb	Mar–Jun, Nov–Feb.
16.1 or greater	Mar–Jun, Nov–Feb	Mar–May, Feb	All year.

(vi) The Southern New England/Mid-Atlantic yellowtail flounder accountability measure for LAGC IFQ vessels using dredge gear shall only be triggered if the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL is exceeded, an accountability measure is triggered for the limited access scallop fishery, and the catch of yellowtail flounder by LAGC IFQ vessels using dredge gear was estimated to be more than 3 percent of the total catch of yellowtail flounder in the scallop fishery. For example, in a given fishing year, if the total sub-ACL for the scallop fishery was 50 mt of yellowtail flounder and LAGC IFQ vessels using dredge gear caught an estimated 1 mt, accountability measures for IFQ vessels using dredges would not trigger because the fishery did not catch more than 3 percent of the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL (1.5 mt), even if the total sub-ACL was exceeded. If LAGC IFQ vessels using dredge gear caught more than 3 percent of the Southern New England/Mid-Atlantic yellowtail flounder, but the sub-ACL is not exceeded and the limited access accountability measure is not triggered, LAGC IFQ vessels using dredge gear would not trigger their own accountability measure

(3) *Limited access general category IFQ scallop vessels using trawls.*—(i) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL for the scallop fishery is exceeded, and the criteria in paragraph (c)(3)(iii) of this section are met, the area defined by the following coordinates shall be closed to LAGC vessels fishing with trawl for the period of time specified in paragraph (c)(3)(ii) of this section. Southern New England Yellowtail Accountability Measure Closure Area for Limited Access General Category IFQ Scallop Vessels using Trawl Gear is comprised of Northeast Region Statistical Areas #612 and #613, and is defined by the following coordinates, connected in the order listed by straight lines, unless otherwise noted:

Point	N. lat.	W. long.
LAGC Trawl SNEYT AM A	40°00′	(1)
LAGC Trawl SNEYT AM B	40°00′	71°40′
LAGC Trawl SNEYT AM C	41°00′	71°40′
LAGC Trawl SNEYT AM D	41°00′ 2	(3)

1 New Jersey mainland coastline.
2 From Point D back to Point A along the southern mainland coastline of Long Island and New York, and the eastern coastline of New Jersey.
3 Southeast facing coastline of Long Island, NY.

(ii) *Duration of closure.* The Southern New England/Mid-Atlantic yellowtail flounder accountability measure closure area for LAGC IFQ vessels using trawl gear shall remain closed for the period of time, not to exceed 1 fishing year, as specified for the corresponding percent overage of the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL, as follows:

Percent overage of YTF sub-ACL	Length of closure
2 or less	March through April.
2.1–3	March through April, and February.
3.1–7	March through May, and February.
7.1–9	March through May and January through February.
9.1–12	March through May and December through February.
12.1–15	March through June and December through February.

(iii) The accountability measure for LAGC vessels using trawl gear shall be triggered under the following conditions:

(A) If the estimated catch of Southern New England/Mid-Atlantic yellowtail flounder by LAGC IFQ vessels using trawl gear is more than 10 percent of the total Southern New England/Mid-Atlantic yellowtail flounder sub-ACL, the accountability measure for LAGC IFQ vessels using trawl gear shall be triggered, regardless of whether or not the scallop fishery's Southern New England/Mid-Atlantic yellowtail flounder sub-ACL was exceeded in a given fishing year. In this case, the accountability measure closure season shall be from March-June and again from December–February (a total of 7 months). For example, if the scallop fishery's Southern New England/Mid-Atlantic yellowtail flounder sub-ACL for a given fishing year is 50 mt, LAGC IFQ vessels using trawl gear would trigger a 7-month closure, the most restrictive closure duration specified in paragraph (c)(3)(ii) of this section, if they caught 5 mt or more of yellowtail flounder.

(B) If the scallop fishery's Southern New England/Mid-Atlantic yellowtail flounder sub-ACL for a given fishing year is exceeded, resulting in an accountability measure for the limited access fleet as specified in paragraph (c)(1) of this section, LAGC IFQ vessels using trawl gear shall be subject to a seasonal closure accountability measure, as specified in paragraph (c)(3)(i) of this section, based on the total scallop fishery's sub-ACL overage, as specified in paragraph (c)(3)(ii) of this section.

(C) If both of these conditions are triggered, (i.e., LAGC IFQ vessels using trawl gear catch more than 10 percent of the total Southern New England/Mid-Atlantic yellowtail flounder sub-ACL *and* the overall Southern New England/Mid-Atlantic yellowtail flounder sub-ACL is exceeded, triggering limited access scallop fishery accountability measures), the most restrictive accountability measure shall apply to LAGC IFQ vessels using trawl gear (i.e., the closure season would be from March-June and again from December–February).

(iv) If the LAGC accountability measure for vessels using trawl gear is triggered, a vessel can switch to dredge gear to continue fishing in the LAGC trawl closure areas, as specified in paragraph (c)(3)(i) of this section, during the time of year when trawl gear is prohibited, as specified in paragraph (c)(3)(ii) of this section. If such a vessel does switch to dredge gear, it is subject to any yellowtail flounder accountability measures that may be in place for that gear type, as specified in paragraph (c)(3) of this section.

* * * * *

(e) *Process for implementing the AM.* (1) *If reliable information is available to make a mid-year determination:* On or about January 15 of each year, based upon catch and other information available to NMFS, the Regional Administrator shall determine whether a yellowtail flounder sub-ACL was exceeded, or is projected to be exceeded, by scallop vessels prior to the end of the scallop fishing year ending on February 28/29. The determination shall include the amount of the overage or projected amount of the overage, specified as a percentage of the overall sub-ACL for the applicable yellowtail flounder stock, in accordance with the values specified in paragraph (a) of this section. Based on this initial projection in mid-January, the Regional Administrator shall implement the AM in accordance with the APA and notify owners of limited access and LAGC scallop vessels by letter identifying the length of the closure and a summary of the yellowtail flounder catch, overage, and projection that resulted in the closure.

(2) *If reliable information is not available to make a mid-year determination:* Once NMFS has compiled the necessary information (e.g., when the previous fishing year's observer and catch data are fully available), the Regional Administrator shall determine whether a yellowtail flounder sub-ACL was exceeded by scallop vessels following the end of the scallop fishing year ending on February 28/29. The determination shall include the amount of the overage, specified as a percentage of the overall sub-ACL for the applicable yellowtail flounder stock, in accordance with the values specified in paragraph (a) of this section. Based on this information, the Regional Administrator shall implement the AM in accordance with the APA in Year 3 (e.g., an accountability measure would be implemented in fishing year 2016 for an overage that occurred in fishing year 2014) and notify owners of limited access and LAGC scallop vessels by letter identifying the length of the

closure and a summary of the yellowtail flounder catch and overage information.

* * * * *

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