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Rules and Regulations

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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 700, 701, 702, 704, 707, 708a, 708b, 709, 712, 716, 723, 725, 741, 745, 748, 750, 761, 790, 791, and 792

RIN 3133–AE20

Technical Amendments

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The NCUA Board (Board) is making a number of technical amendments to NCUA's regulations based on issues identified by staff and through NCUA's rolling, three-year regulatory review process. In addition, the Board is making a number of nomenclature changes to NCUA's regulations to reflect changes to NCUA's office structure, including the transfer of duties and the creation of the new Office of National Examinations and Supervision (ONES). Finally, under title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act [1] (Dodd-Frank Act), rulemaking authority for a number of consumer financial protection laws were transferred from various federal regulatory agencies, including NCUA, to the Consumer Financial Protection Bureau (CFPB). As a result, the Board is now updating certain cross citations within its regulations and rescinding NCUA's rules governing the ''Privacy of Consumer Financial Information'' under the Gramm-Leach-Bliley Act [2] and the ''Registration of Residential Mortgage Loan Originators'' under the Secure and Fair Enforcement for Mortgage Licensing Act of 2008,[3] which were transferred to the CFPB.

DATES: The final rule is effective on May 31, 2013.

FOR FURTHER INFORMATION CONTACT: John H. Brolin, Staff Attorney, Office of General Counsel, at 1775 Duke Street, Alexandria, VA 22314 or telephone: (703) 518–6438.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose of the Final Rule
II. Regulatory Amendments
III. Regulatory Procedures

I. Background and Purpose of the Final Rule

Why is the NCUA Board issuing this rule?

In 2012, NCUA's rolling, three-year review of its regulations identified, among other things, minor errors, duplicative definitions, and outdated regulatory provisions that could be eliminated to help update, clarify and simplify the regulations. NCUA reviews one-third of its regulations each year to ''update, clarify and simplify existing regulations and eliminate redundant and unnecessary provisions.'' [4] In addition, NCUA staff has identified helpful citation corrections and other minor technical amendments that could be made in other parts of NCUA's regulations. As explained in more detail in the Regulatory Amendments section below, the following technical amendments can be made without making substantive changes to the regulations:

- Reconcile duplicative definitions in part 700 with definitions in other parts of NCUA's regulations;
- Update a cross citation in § 702.104(c);
- Update a cross citation in § 709.1(c);
- Update numerous cross citations in NCUA's regulations to account for the transfer of rulemaking authority by the Dodd-Frank Act for several statutes from the Board of Governors of the Federal Reserve Board (FRB) to the CFPB.
- Update §§ 792.50 and 792.51 to identify NCUA's Office of the Executive Director as the office responsible for NCUA's security procedures for classified information; and
- Update the wording in § 792.51(d) to remove the citation to Executive Order 12356, which has been revoked, and instead cite more generally to appropriate Executive Orders relating to the classification of national security information.

In July 2012, the Board approved a restructuring of NCUA's central office. This restructuring consisted of transferring certain functions and renaming the Office of Corporate Credit Unions (OCCU), which is now referred to as ONES. ONES has taken over the responsibilities of OCCU for corporate credit unions and, beginning January 1, 2014, will oversee examinations and supervision issues related to consumer credit unions with assets greater than $10 billion. In addition to the amendments described above, the Board is also amending various parts of NCUA's regulations to conform them to match the current central and field office structure.

In 2010, President Obama signed into law the Dodd-Frank Act. The Dodd-Frank Act substantially changed the federal legal framework with respect to consumer financial protection regulation. Among the many changes, title X of the Dodd-Frank Act transferred to the CFPB NCUA's rulemaking authority under the Gramm-Leach-Bliley Act and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008.[5] As a result, NCUA is rescinding the following two rules, which have been republished as interim final rules by the CFPB:

- Privacy of Consumer Financial Information, 12 CFR part 716 (republished by the CFPB at 12 CFR part 1016); [6] and
- Registration of Residential Mortgage Loan Originators, 12 CFR part 761 (republished by the CFPB at 12 CFR part 1007).[7]

To assist federally insured credit unions, the rescinded parts of NCUA's regulations will retain their original heading and be amended to include a cross citation to the CFPB's republished version of the regulation.

II. Regulatory Amendments

1. Parts 700, 704, 707, 712, 725, 750, 791, and 792—Amendments To Clarify Definitions

Alternative definitions. This final rule amends § 700.1 to clarify that the

[1] Public Law 111–203, 124 Stat. 1376, 1955–2113 (2010).

[2] 12 U.S.C. 6801 *et seq.*

[3] 12 U.S.C. 5101 *et seq.*

[4] NCUA Interpretive Ruling and Policy Statement (IRPS) 87–2, as amended by IRPS 03–2, and IRPS 13–1, ''Developing and Reviewing Government Regulations.''

[5] 12 U.S.C. 5101 *et seq.*

[6] *See* 76 FR 79025 (Dec. 21, 2011).

[7] *See* 76 FR 78483 (Dec. 19, 2011).

definitions in § 700.2 apply to the terms used in chapter VII, ''unless the context indicates otherwise.'' The change is intended to clarify that in situations where a term is defined in § 700.2 and an alternative definition is also provided in a specific section or part, the alternative definition in the section or part controls over the general definition provided in § 700.2 or elsewhere in part 700. For example, § 700.2 generally defines the term ''Act'' as the Federal Credit Union Act. Part 760 of NCUA's regulations governing ''loans in areas having special flood hazards,'' however, specifically defines the term ''Act'' for purposes of only that particular part as ''the National Flood Insurance Act.'' Reading the definition of Act provided in part 760 in context, it is clear that for purposes of that part, ''Act'' means the National Flood Insurance Act even though part 700 provides a different definition for the term for purposes of chapter VII.

Definition of ''state.'' This final rule amends § 700.2 to remove the ''Panama Canal Zone'' from the definition of ''state,'' as the Panama Canal Zone is no longer a territory or possession of the United States. In addition, the rule removes the duplicative, redundant definitions of the term ''state'' in §§ 704.2 and 707.2(v).

Duplicative definition of ''Board.'' Section 700.2 defines the term ''Board'' for purposes of 12 CFR chapter VII as ''the Board of the National Credit Union Administration.'' This final rule amends §§ 707.2(e), 725.2(n), and 791.10(b) to remove substantially similar duplicative definitions of the term ''Board'' provided in those sections.

Duplicative definition of ''paid-in and unimpaired capital and surplus.'' Section 700.2 defines the term ''paid-in and unimpaired capital and surplus'' for purposes of 12 CFR chapter VII. This final rule amends § 712.2(d)(1) to remove a substantially similar duplicative definition of that term.

Duplicative definition of the term ''Act.'' Section 700.2 defines the term ''Act'' for purposes of 12 CFR chapter VII. This final rule amends § 750.1(a) to remove a substantially similar duplicative definition of the term Act.

2. Parts 700, 701, 704, 708a, 708b, 723, 741, 750, and 790—Adjustments to NCUA's Central and Field Office Structure

As discussed above, the Board is amending various parts of NCUA's regulations to conform them to match the current central and field office structure. Many of the changes involve nomenclature changes, which simply retitle the ''Office of Corporate Credit Unions'' as the ''Office of National Examinations and Supervision.'' However, as discussed in more detail below, this final rule also makes other changes related to the transfers of responsibility.

Amended definition of ''Regional Office'' and ''Regional Director.'' This final rule amends the definition of ''Regional Office'' in § 700.2 to clarify that for credit unions with $10 billion or more in assets, ''Regional Office'' means the ''Office of National Examinations and Supervision.'' This final rule also removes the description of the Office of Corporate Credit Unions from § 790.2(b)(14) and amends and restructures § 790.2(c) to include a description of the ''Office of National Examinations and Supervision.''

Similarly, this final rule amends the definitions of ''Regional Director'' in §§ 700.2, 702.2(a), 708a.101, and 708a.301 for credit unions with $10 billion or more in assets, so that ''Regional Director'' means the ''Director of the Office of National Examinations and Supervision.''

Amendments to ''Security Procedures for Classified Information.'' This final rule updates subpart D under part 792 governing ''security procedures for classified information'' in response to a central office restructuring approved by the Board in November 2009 as part of the fiscal year 2010 and 2011 operating and capital budgets. The restructuring transferred the responsibilities for handling classified information to NCUA's Executive Director. Accordingly, this final rule primarily amends §§ 792.50 and 792.51 by updating the description of NCUA's internal procedures and replacing the references to the ''Chief Financial Officer'' and ''Chief Financial Officer's'' designee with references to the ''Executive Director'' and the ''Executive Director's'' designee.

In addition, this final rule amends § 792.51(d) to revise an outdated reference to Executive Order 12356, which has been revoked.[8] As amended, § 792.51(d) provides in relevant part: ''The Executive Director shall require each such employee to review applicable Executive Orders on the classification of National Security Information.''

3. Part 716—Privacy of Consumer Financial Information

As discussed above, in response to changes made by the Dodd-Frank Act, this final rule rescinds 12 CFR part 716, which has been republished by the CFPB at 12 CFR part 1016.[9] To assist credit unions in locating part 1016, rescinded part 716 will retain its original heading and include a cross cite to the CFPB's rules governing the privacy of consumer financial information (Regulation P).

4. Part 745—Rescission of Unlimited Insurance for Noninterest-Bearing Transaction Accounts

Section 343 of the Dodd-Frank Act provided that, on a temporary basis, NCUA would fully insure the net amount that any member or depositor at an insured credit union maintained in a noninterest-bearing transaction account. NCUA amended part 745 of its regulations to implement these temporary statutory changes through a final rule that became effective on June 24, 2011.[10] Consistent with the sunset provisions in Dodd-Frank Act section 343(b)(3) and § 745.14 of NCUA's regulations, NCUA is rescinding its regulations implementing the temporary expanded insurance coverage granted under Dodd-Frank Act section 343(b)(1). In particular, the rule removes the definition of ''noninterest-bearing transaction account'' in § 745.1(f), and removes § 745.14 governing noninterest-bearing transaction accounts. The Board notes, however, that these accounts continue to be insured under other provisions of part 745.

5. Part 761—Registration of Residential Mortgage Loan Originators

As discussed above, in response to changes made by the Dodd-Frank Act, this final rule rescinds 12 CFR part 761, which has been republished by the CFPB at 12 CFR part 1007.[11] To assist credit unions in locating part 1007, rescinded part 761 will retain its original heading and include a cross cite to the CFPB's rules governing the federal registration of residential mortgage loan originators (Regulation G).

6. Parts 701, 702, 709, 741, and 748—Updates to Cross Citations

Cross cites to CFPB regulations. The rule updates several cross citations to rescinded parts 716 and 761.

Cross cite to definitions section of 12 CFR part 703. This final rule also amends § 702.104(c) by removing the cross citation to the definition of investments at 12 CFR 703.150, the former definitions section to part 703,

[8] EO 12356 (April 2, 1982) was revoked by EO 12958 (April 17, 1995), which was then revoked by the current Executive Order ''Classified National Security Information,'' EO 13526 (Dec. 29, 2009).

[9] *See* 76 FR 79025 (Dec. 21, 2011).

[10] *See* 76 FR 30250 (May 25, 2011).

[11] *See* 76 FR 79025 (Dec. 21, 2011).

and replaces it with a cross cite to the current definition of investments at 12 CFR 703.2.[12]

Cross cite to definitions section of 12 CFR part 700. This final rule amends § 709(c) by updating the cross citation to the definition of the term insolvent at § 700.1(c), which was moved by a final rule issued in 2001[13] to its current location at 12 CFR 700.2.

III. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a rule may have on a substantial number of small entities (primarily those under $50 million in assets). NCUA certifies that these technical amendments will not have a significant economic impact on a substantial number of small credit unions.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or modifies an existing burden.[14] For purposes of the PRA, a paperwork burden may take the form of either a reporting or a recordkeeping requirement, both referred to as information collections. NCUA has determined that the technical amendments in this final rule do not increase the paperwork requirements under PRA or regulations of the Office of Management and Budget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. This final rule will not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this final rule does not constitute a policy that has federalism implications for purposes of the executive order.

Assessment of Federal Regulations and Policies on Families

NCUA has determined that this final rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999.[15]

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996[16] (SBREFA) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedure Act (APA).[17] NCUA has submitted this rule to the Office of Management and Budget for it to determine if the final rule is a ''major rule'' for purposes of SBREFA. NCUA does not believe the rule is major.

Final Rule

Generally, the APA requires a federal agency to provide the public with notice and the opportunity to comment on agency rulemakings. The amendments in this rule are non-substantive and technical topics, or involve only matters relating to management and personnel and are exempt from APA notice and comment requirements.[18] They reflect changes to NCUA's organizational structure, remove duplicative language, make minor changes updating cross citations, and make minor changes which are statutorily required by the Dodd-Frank Act. The APA permits an agency to forego the notice and comment period under certain circumstances, such as when a rulemaking is technical and non-substantive. NCUA finds that, in this instance, notice and public comment are unnecessary under section 553(b)(3)(B) of the APA.[19] NCUA also finds good cause to dispense with the 30-day delayed effective date requirement under section 553(d)(3) of the APA.[20] The rule, therefore, will be effective immediately upon publication.

List of Subjects

12 CFR Part 700

Credit unions.

12 CFR Part 702

Credit unions, Reporting and recordkeeping requirements.

12 CFR Part 707

Advertising, Credit unions, Reporting and recordkeeping requirements, Truth in savings.

12 CFR Part 708a

Credit unions, Reporting and recordkeeping requirements.

12 CFR Part 712

Administrative practice and procedure, Credit unions, Investments, Reporting and recordkeeping requirements.

12 CFR Part 716

Consumer protection, Credit unions, Privacy, Reporting and recordkeeping requirements.

12 CFR Part 725

Credit unions, Reporting and recordkeeping requirements.

12 CFR Part 745

Administrative practice and procedure, Claims, Credit unions, Share insurance.

12 CFR Part 750

Credit unions, Golden parachute payments, Indemnity payments.

12 CFR Part 761

Consumer protection, Credit unions, Registration of mortgage loan originators.

12 CFR Part 790

Organization and functions (Government agencies).

12 CFR Part 791

Administrative practice and procedure, Sunshine Act.

12 CFR Part 792

Classified information, Confidential business information, Courts, Freedom of information, Government employees, Privacy.

By the National Credit Union Administration Board on May 16, 2013.

Mary Rupp,

Secretary of the Board.

For the reasons discussed above, NCUA Board amends 12 CFR parts 700, 701, 702, 704, 707, 708a, 708b, 709, 712, 716, 723, 725, 741, 745, 748, 750, 761, 790, 791, and 792 as follows:

PART 700—DEFINITIONS

■ 1. The authority citation for part 700 continues to read as follows:

Authority: 12 U.S.C. 1752, 1757(6), 1766.

■ 2. Revise § 700.1 to read as follows:

[12] *See* 68 FR 32958 (June 3, 2003) (Final rule amending the 12 CFR part 703 by, among other things, relocating § 703.150 to § 703.2).

[13] *See* 66 FR 65622 (Dec. 20, 2001).

[14] 44 U.S.C. 3507(d); 5 CFR part 1320.

[15] Public Law 105–277, 112 Stat. 2681 (1998).

[16] Public Law 104–121, 110 Stat. 857 (1996).

[17] 5 U.S.C. 551.

[18] 5 U.S.C. 553(a)(2) and 553(b)(3)(B).

[19] 5 U.S.C. 553(b)(3)(B).

[20] 5 U.S.C. 553(d)(3).

§ 700.1 Scope.

The definitions in § 700.2 apply to terms used in this chapter unless the context indicates otherwise. Many additional definitions appear in the parts where the terms are used.

■ 3. Amend § 700.2 by revising the definitions of ''Regional Director''; ''Regional Office''; and ''State'' to read as follows:

§ 700.2 Definitions.

* * * * *

Regional Director means the representative of the Administration in the designated geographical area in which the office of the federal credit union is located or, for federal credit unions with $10 billion or more in assets, the Director of the Office of National Examinations and Supervision.

Regional Office means the office of the Administration located in the designated geographical areas in which the office of the federal credit union is located or, for federal credit unions with $10 billion or more in assets, the Office of National Examinations and Supervision.

* * * * *

State means a state of the United States, the District of Columbia, any of the several territories and possessions of the United States, and the Commonwealth of Puerto Rico.

* * * * *

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 4. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1786, 1787, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 et seq.; 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

§ 701.3 [Amended]

■ 5. Amend § 701.3(d)(3) by removing the words ''§ 716.3 of this part'' and adding in their place the words ''12 CFR 1016.3''.

§ 701.14 [Amended]

■ 6. Amend § 701.14(c)(3)(i) by removing the words ''Office of Corporate Credit Unions'' wherever they appear and adding in their place the words ''Office of National Examinations and Supervision''.

Appendix B to Part 701 [Amended]

■ 7. Amend paragraph 1.IX. of appendix B to part 701 by removing the words ''Office of Corporate Credit Unions'' and adding in their place the words ''Office of National Examinations and Supervision''.

PART 702—PROMPT CORRECTIVE ACTION

■ 8. The authority citation for part 702 continues to read as follows:

Authority: 12 U.S.C. 1766(a), 1790d.

■ 9. Revise § 702.2(a) to read as follows:

§ 702.2 Definitions.

* * * * *

(a) *Appropriate Regional Director* means the director of the NCUA Regional Office having jurisdiction over federally insured credit unions in the state where the affected credit union is principally located or, for credit unions with $10 billion or more in assets, the Director of the Office of National Examinations and Supervision.

* * * * *

§ 702.104 [Amended]

■ 10. Amend § 702.104(c) by removing the words ''12 CFR 703.150'' and adding in their place the words ''12 CFR 703.2''.

PART 704—CORPORATE CREDIT UNIONS

■ 11. The authority citation for part 704 continues to read as follows:

Authority: 12 U.S.C. 1766(a), 1781, 1789.

§ 704.2 [Amended]

■ 12. Amend § 704.2 by removing the definition of *State.*

§ 704.10 [Amended]

■ 13. Amend § 704.10 by removing the words ''OCCU Director'' the first place they appear and adding in their place the words ''Director of the Office of National Examinations and Supervision (ONES)''; and by removing the term ''OCCU'' wherever it appears and adding in its place the term ''ONES''.

§ 704.12 [Amended]

■ 14. Amend § 704.12(b) by removing the words ''OCCU Director'' wherever they appear and adding in their place the words ''Director of the Office of National Examinations and Supervision''.

PART 707—TRUTH IN SAVINGS

■ 15. The authority citation for part 707 continues to read as follows:

Authority: 12 U.S.C. 4311.

§ 707.2 [Amended]

■ 16. Amend § 707.2 as follows:

■ a. Remove paragraph (e) and redesignate paragraphs (f) through (u) as paragraphs (e) through (t).

■ b. Remove paragraph (v) and redesignate paragraphs (w) through (z) as paragraphs (u) through (x).

PART 708a—BANK CONVERSIONS AND MERGERS

■ 17. The authority citation for part 708a continues to read as follows:

Authority: 12 U.S.C. 1766, 1785(b), and 1785(c).

■ 18. Amend § 708a.101 by revising the definition of ''Regional Director'' to read as follows:

§ 708a.101 Definitions.

* * * * *

Regional Director means either the director of the NCUA Regional Office for the region where a natural person credit union's main office is located or the director of the NCUA's Office of Consumer Protection. For corporate credit unions and natural person credit unions with $10 billion or more in assets, *Regional Director* means the director of NCUA's Office of National Examinations and Supervision.

* * * * *

■ 19. Amend § 708a.301 by revising the definition of ''Regional Director'' to read as follows:

§ 708a.301 Definitions.

* * * * *

Regional Director means the director of the NCUA Regional Office for the region where a natural person credit union's main office is located. For corporate credit unions and natural person credit unions with $10 billion or more in assets, *Regional Director* means the Director of NCUA's Office of National Examinations and Supervision.

* * * * *

PART 708b—MERGERS OF FEDERALLY INSURED CREDIT UNIONS; VOLUNTARY TERMINATION OR CONVERSION OF INSURED STATUS

■ 20. The authority citation for part 708b continues to read as follows:

Authority: 12 U.S.C. 1752(7), 1766, 1785, 1786, 1789.

§ 708b.2 [Amended]

■ 21. Amend § 708b.2 by removing the words ''Office of Corporate Credit Unions'' from the definition of *Regional director* and adding in their place the words ''Office of National Examinations and Supervision''.

PART 709—INVOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS AND ADJUDICATION OF CREDITOR CLAIMS INVOLVING FEDERALLY INSURED CREDIT UNIONS IN LIQUIDATION

■ 22. The authority citation for part 709 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766, 1767, 1786(h), 1787, 1788, 1789, 1789a.

§ 709.1 [Amended]

■ 23. Amend § 709.1(c) by removing ''§ 700.1(e)(1)'' and adding in its place ''§ 700.2''.

PART 712—CREDIT UNION SERVICE ORGANIZATIONS (CUSOs)

■ 24. The authority citation for part 712 continues to read as follows:

Authority: 12 U.S.C. 1756, 1757(5)(D) and (7)(I), 1766, 1782, 1784, 1785, and 1786.

§ 712.2 [Amended]

■ 25. Amend § 712.2 by removing paragraph (d)(1) and redesignating paragraphs (d)(2) and (d)(3) as paragraphs (d)(1) and (d)(2), respectively.

■ 26. Revise part 716 to read as follows:

PART 716—PRIVACY OF CONSUMER FINANCIAL INFORMATION

Authority: 15 U.S.C. 6801 et seq., 12 U.S.C. 1751 et seq.

§ 716.1 Cross reference.

The rules formerly at 12 CFR part 716 have been republished by the Consumer Financial Protection Bureau at 12 CFR part 1016, ''Privacy of Consumer Financial Information (Regulation P)''.

PART 723—MEMBER BUSINESS LOANS

■ 27. The authority citation for part 723 continues to read as follows:

Authority: 12 U.S.C. 1756, 1757, 1757A, 1766, 1785, 1789.

§ 723.11 [Amended]

■ 28. Amend the introductory text to § 723.11 by removing the words ''Office of Corporate Credit Unions'' wherever they appear and adding in their place the words ''Office of National Examinations and Supervision''.

§ 723.12 [Amended]

29. Amend the introductory text to § 723.12 by removing the words ''Office of Corporate Credit Unions'' and adding in their place the words ''Office of National Examinations and Supervision''.

§ 723.13 [Amended]

■ 30. Amend § 723.13 by removing the words ''Office of Corporate Credit Unions'' and adding in their place the words ''Office of National Examinations and Supervision''.

§ 723.16 [Amended]

■ 31. Amend § 723.16(b)(3) by removing the words ''Office of Corporate Credit Unions'' wherever they appear and adding in their place the words ''Office of National Examinations and Supervision''.

PART 725—NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

■ 32. The authority citation for part 725 continues to read as follows:

Authority: Secs. 301–307 Federal Credit Union Act, 92 Stat. 3719–3722 (12 U.S.C. 1795–1795f).

§ 725.2 [Amended]

■ 33. Amend § 725.2 by removing paragraph (n) and redesignating paragraphs (o) through (q) as paragraphs (n) through (p).

PART 741—REQUIREMENTS FOR INSURANCE

■ 34. The authority citation for part 741 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766(a), 1781–1790, and 1790d; 31 U.S.C. 3717.

§ 741.6 [Amended]

■ 35. Amend § 741.6(a) introductory text by removing the words ''Office of Corporate Credit Unions'' and adding in their place the words ''Office of National Examinations and Supervision''.

§ 741.8 [Amended]

■ 36. Amend § 741.8(c) by removing the words ''Office of Corporate Credit Unions'' and adding in their place the words ''Office of National Examinations and Supervision''.

§ 741.220 [Amended]

■ 37. Amend § 741.220 by removing the words ''part 716 of this chapter'' and adding in their place the words ''part 1016 of this title (Regulation P)''.

§ 741.223 [Amended]

■ 38. Amend § 741.223 by removing the words ''part 761 of this chapter'' and adding in their place the words ''part 1007 of this title (Regulation G)''.

PART 745—SHARE INSURANCE AND APPENDIX

■ 39. The authority citation for part 745 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1757, 1765, 1766, 1781, 1782, 1787, 1789; title V, Pub. L. 109–351; 120 Stat. 1966.

§ 745.1 [Amended]

■ 40. Amend § 745.1 by removing paragraph (f).

§ 745.14 [Removed]

■ 41. Remove § 745.14.

PART 748—SECURITY PROGRAM, REPORT OF SUSPECTED CRIMES, SUSPICIOUS TRANSACTIONS, CATASTROPHIC ACTS AND BANK SECRECY ACT COMPLIANCE

■ 42. The authority citation for part 748 continues to read as follows:

Authority: 12 U.S.C. 1766(a), 1786(q); 15 U.S.C. 6801–6809; 31 U.S.C. 5311 and 5318.

Appendix A to Part 748 [Amended]

■ 43. Amend appendix A to part 748 as follows:

■ a. In paragraph I.B.1., remove the words ''12 CFR part 716'' and add in their place the words ''12 CFR part 1016''.

■ b. In paragraph I.B.2.c., remove the words ''12 CFR 716.3(n)'' and add in their place the words ''12 CFR 1016.3(n)''.

■ c. In paragraph I.B.2.d., remove the words ''12 CFR 716.3(q)'' and add in their place the words ''12 CFR 1016.3(p)''.

■ d. In paragraph II.B., remove the words ''12 CFR 716.1(a)(3)'' and add in their place the words ''12 CFR 1016.1(a)(3)''.

PART 750—GOLDEN PARACHUTE AND INDEMNIFICATION PAYMENTS

■ 44. The authority citation for part 750 continues to read as follows:

Authority: 12 U.S.C. 1786(t).

§ 750.1 [Amended]

■ 45. Amend § 750.1 by removing paragraph (a) and redesignating paragraphs (b) through (k) as paragraphs (a) through (j).

§ 750.6 [Amended]

■ 46. Amend § 750.6(a) by removing the words ''Office of Corporate Credit Unions'' and adding in their place the words ''Office of National Examinations and Supervision''.

■ 47. Revise part 761 to read as follows:

PART 761—REGISTRATION OF RESIDENTIAL MORTGAGE LOAN ORIGINATORS

Authority: 12 U.S.C. 1751 *et seq.* and 5101 *et seq.*

§ 761.1 Cross reference.

The rules formerly at 12 CFR part 761 have been republished by the Consumer Financial Protection Bureau at 12 CFR part 1007, ''S.A.F.E. Mortgage Licensing Act—Federal Registration of Residential Mortgage Loan Originators (Regulation G)''.

PART 790—DESCRIPTION OF NCUA; REQUESTS FOR AGENCY ACTION

■ 48. The authority citation for part 790 continues to read as follows:

Authority: 12 U.S.C. 1766, 1789, 1795f.

■ 49. Amend § 790.2 as follows:

■ a. Revise the section heading.

■ b. Remove paragraph (b)(14) and redesignate paragraphs (b)(15) through (b)(17) as paragraphs (b)(14) through (b)(16).

■ c. Revise paragraph (c).

The revisions read as follows:

§ 790.2 Central and field office organization.

* * * * *

(c) *Field Offices.* NCUA's programs are conducted through Regional Offices and the Office of National Examinations and Supervision.

(1) *Regional Offices.* (i) The NCUA has five Regional Offices:

Region No.	Area within region	Office address
I	Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New York, Rhode Island, Vermont.	9 Washington Square, Washington Avenue Extension, Albany, NY 12205–5512.
II	Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, California.	1900 Duke St., Suite 300, Alexandria, VA 22314–3498.
III	Alabama, Florida, Georgia, Indiana, Kentucky, Mississippi, North Carolina, Ohio, Puerto Rico, South Carolina, Tennessee, Virgin Islands.	7000 Central Parkway, Suite 1600, Atlanta, GA 30328–4598.
IV	Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin.	4807 Spicewood Springs Road, Suite 5200, Austin, TX 78759–8490.
V	Alaska, Arizona, American Samoa, Colorado, Guam, Hawaii, Idaho, Montana , Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.	1230 W. Washington Street, Suite 301, Tempe, AZ 85281.

(ii) A Regional Director is in charge of each Regional Office. The Regional Director manages NCUA's programs in the Region assigned in accordance with established policies. A Regional Director's duties include: directing examination and supervision programs to promote and assure safety and soundness; assisting other offices in chartering and insurance issues; managing regional resources to meet program objectives in the most economical and practical manner; and maintaining good public relations with public, private, and governmental organizations, federal credit union officials, credit union organizations, and other groups which have an interest in credit union matters in the assigned region. The Regional Director maintains liaison and cooperation with other regional offices of federal departments and agencies, state agencies, city and county officials, and other governmental units that affect credit unions. The Regional Director is aided by an Associate Regional Director for Operations and Associate Regional Director for Programs. Staff working in the Regional Office report to the Associate Regional Director for Operations. Each region is divided into examiner districts, each assigned to a Supervisory Credit Union Examiner; groups of examiners are directed by a Supervisory Credit Union Examiner, each of whom in turn reports directly to the Associate Regional Director for Programs.

(2) *Office of National Examination and Supervision.* Similar to a Regional Director, the Director of the Office of National Examinations and Supervision manages NCUA's program for corporate credit unions and oversees the activities of natural person credit unions with assets totaling $10 billion or more, in accordance with established policies. The Director's duties include directing chartering, insurance, examination, and supervision programs to promote and assure safety and soundness; managing office resources to meet program objectives in the most economical and practical manner; and maintaining good public relations with public, private and governmental organizations, credit union officials, credit union organizations, and other groups which have an interest in credit union matters in the assigned office. The Director maintains liaison and cooperation with other regional offices of federal departments and agencies, state agencies, city and county officials, and other governmental units that affect credit unions. The Director is aided by a Deputy Director. Staff working in the office report to the Director of Supervision, who in turn reports to the Deputy Director. Field staff is divided into examiner districts, each assigned to a National Field Supervisor; groups of examiners are directed by a National Field Supervisor, each of whom in turn reports directly to the Deputy Director.

PART 791—RULES OF NCUA BOARD PROCEDURE; PROMULGATION OF NCUA RULES AND REGULATIONS; PUBLIC OBSERVATION OF NCUA BOARD MEETINGS

■ 50. The authority citation for part 791 continues to read as follows:

Authority: 12 U.S.C. 1766, 1789 and 5 U.S.C. 552b.

§ 791.10 [Amended]

■ 51. Amend § 791.10 by removing paragraph (b) and redesignating paragraphs (c) through (g) as paragraphs (b) through (f).

PART 792—REQUESTS FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT AND PRIVACY ACT, AND BY SUBPOENA; SECURITY PROCEDURES FOR CLASSIFIED INFORMATION

■ 52. The authority citation for part 792 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b; 12 U.S.C. 1752a(d), 1766, 1789, 1795f; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235; E.O. 12958, 60 FR 19825, 3 CFR, 1995 Comp., p.333.

§ 792.50 [Amended]

■ 53. Amend § 792.50 by removing the words ''Chief Financial Officer'' wherever they appear and adding in their place the words ''Executive Director''.

■ 54. Revise §§ 792.51(a) through (d) to read as follows:

§ 792.51 Procedures.

(a) *Mandatory review.* All declassification requests made by a member of the public, by a government employee or by an agency shall be handled by the Executive Director or the Executive Director's designee. Under no circumstances shall the Executive Director refuse to confirm the existence or nonexistence of a document under the Freedom of Information Act or the mandatory review provisions of other applicable law, unless the fact of its existence or nonexistence would itself be classifiable under applicable law. Although NCUA has no authority to classify or declassify information, it occasionally handles information classified by another agency. The Executive Director shall refer all declassification requests to the agency that originally classified the information. The Executive Director or the Executive Director's designee shall notify the requesting person or agency that the request has been referred to the originating agency and that all further inquiries and appeals must be made directly to the other agency.

(b) *Handling and safeguarding national security information.* All information classified ''Top Secret,'' ''Secret,'' and ''Confidential'' shall be delivered to the Executive Director or the Executive Director's designee immediately upon receipt. The Executive Director shall advise those who may come into possession of such information of the name of the current designee. If the Executive Director is unavailable, the designee shall lock the documents, unopened, in the combination safe located in the secure facility of the Office of the Executive Director. If the Executive Director or the Executive Director's designee is unavailable to receive such documents, the documents shall be delivered in accordance with NCUA's mail handling procedures for classified information. Under no circumstances shall classified materials that cannot be delivered to the Executive Director or the Executive Director's designee be stored in a location other than in the safe designated by the Executive Director for information classified ''Top Secret,'' ''Secret,'' and ''Confidential.''

(c) *Storage.* All classified documents shall be stored in the safe designated by the Executive Director for information classified ''Top Secret,'' ''Secret,'' and ''Confidential.'' The combination shall be known only to the Executive Director and the Executive Director's designee holding the proper security clearance.

(d) *Employee education.* (1) The Executive Director shall send a memo to every NCUA employee who:

(i) Has a security clearance; and

(ii) May handle classified materials.

(2) This memo shall describe NCUA procedures for handling, reproducing and storing classified documents. The Executive Director shall require each such employee to review applicable Executive Orders on the classification of national security information.

* * * * *

[FR Doc. 2013–12640 Filed 5–30–13; 8:45 am]

BILLING CODE 7535–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

[Docket No. CFPB–2013–0013]

RIN 3170–AA37

Loan Originator Compensation Requirements Under the Truth in Lending Act (Regulation Z); Prohibition on Financing Credit Insurance Premiums; Delay of Effective Date

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule; Delay of Effective Date.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing a final rule delaying the June 1, 2013, effective date of a prohibition on creditors financing credit insurance premiums in connection with certain consumer credit transactions secured by a dwelling. The prohibition was adopted in the Loan Originator Compensation Requirements under the Truth in Lending Act (Regulation Z) Final Rule, issued on January 20, 2013, and published in the **Federal Register** on February 15, 2013. The Bureau is delaying the effective date until January 10, 2014, to permit the Bureau to clarify, before the provision takes effect, its applicability to transactions other than those in which a lump-sum premium is added to the loan amount at closing. The new effective date will be January 10, 2014, but the Bureau will solicit comment on the appropriate effective date at the same time that it seeks comment on clarifications. (The Bureau is not contemplating extending the effective date beyond January 10, 2014.)

DATES: The final rule published February 15, 2013, at 78 FR 11280, is effective January 10, 2014, with the exception of the amendments to 12 CFR 1026.36(h) and (i), which are effective June 1, 2013. This rule delays the effective date of the amendment to 12 CFR 1026.36(i) until January 10, 2014.

FOR FURTHER INFORMATION CONTACT: Richard Arculin or Daniel Brown, Counsels, Office of Regulations, at (202) 435–7700.

SUPPLEMENTARY INFORMATION:

I. Background

In January 2013, the Bureau issued several final rules concerning mortgage markets in the United States, pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).[1] One of these final rules was the Loan Originator Compensation Requirements Under the Truth in Lending Act (Regulation Z) (Final Rule).[2] The Final Rule implemented Dodd-Frank Act amendments to the Truth in Lending Act (TILA) addressing loan originator compensation; qualifications of, and registration or licensing of loan originators; compliance procedures for depository institutions; mandatory arbitration; and the financing of single-premium credit insurance. With regard to the financing of single-premium credit insurance, the Final Rule included a provision implementing the Dodd-Frank Act section 1414 amendment that added new TILA section 129C(d), 15 U.S.C. 1639c(d). That provision prohibits creditors from financing premiums or fees for certain credit insurance products in connection with certain consumer credit transactions secured by a dwelling. The Bureau implemented this provision by adopting § 1026.36(i).

A. Title XIV Rulemaking Effective Dates

In enacting the Dodd-Frank Act, Congress significantly amended the statutory requirements governing a number of mortgage practices, including loan originator compensation. Under the statute, most of these new requirements would have taken effect automatically on January 21, 2013, if the Bureau had not issued implementing regulations by that date.[3] To avoid uncertainty and potential disruption in the national mortgage market at a time of economic vulnerability, the Bureau issued several final rules (Title XIV Rulemakings) in January 2013, including the Final Rule issued on January 20, 2013, to implement these new statutory provisions and provide for an orderly transition. To allow the mortgage industry sufficient time to comply with the new rules, the Bureau established January 10, 2014—one year after

[1] Public Law 111–203, 124 Stat. 1376 (2010).

[2] 78 FR 11279 (Feb. 15, 2013).

[3] Dodd-Frank Act section 1400(c), 15 U.S.C. 1601 note.

issuance of the earliest of the Title XIV Rulemakings—as the effective date for most of the Title XIV Rulemakings, including most provisions of the Final Rule. However, the Bureau identified certain provisions that it believed did not present significant implementation burdens for industry, including § 1026.36(h) on mandatory arbitration clauses and waivers of certain consumer rights and § 1026.36(i) on financing single-premium credit insurance, as adopted by the Final Rule. For these provisions, the Bureau set an earlier effective date of June 1, 2013.

B. Implementation Initiative for New Mortgage Rules

On February 13, 2013, the Bureau announced an initiative to support implementation of its new mortgage rules (Implementation Plan),[4] under which the Bureau would work with the mortgage industry to ensure that the Title XIV Rulemakings can be implemented accurately and expeditiously. The Implementation Plan included (1) coordination with other agencies; (2) publication of plain-language guides to the new rules; (3) publication of updates, such as additional corrections, adjustments, and clarifications of the new rules, as needed; (4) publication of readiness guides for the new rules; and (5) education of consumers on the new rules.

This final rule, which delays the effective date of the provision on financing single-premium credit insurance, is one of several updates to the Title XIV Rulemakings. The purpose of these updates is to address important questions raised by industry, consumer groups, or other agencies. The update addressed by this final rule was given priority because the effective date for § 1026.36(i) was June 1, 2013, and certainty regarding compliance is a matter of some urgency. The Bureau intends to publish a proposal shortly to seek further comment on clarifications to the provision as discussed further below.

II. Legal Authority

On July 21, 2011, section 1061 of the Dodd-Frank Act transferred to the Bureau the ''consumer financial protection functions'' previously vested in certain other Federal agencies, including the Board of Governors of the Federal Reserve System. The term ''consumer financial protection function'' is defined to include ''all authority to prescribe rules or issue orders or guidelines pursuant to any Federal consumer financial law, including performing appropriate functions to promulgate and review such rules, orders, and guidelines.'' 12 U.S.C. 5581(a)(1). TILA is a Federal consumer financial law. Dodd-Frank Act section 1002(14), 12 U.S.C. 5481(14) (defining ''Federal consumer financial law'' to include the ''enumerated consumer laws'' and the provisions of title X of the Dodd-Frank Act); Dodd-Frank Act section 1002(12), 12 U.S.C. 5481(12) (defining ''enumerated consumer laws'' to include TILA). Accordingly, the Bureau has authority to issue regulations pursuant to TILA.

As amended by the Dodd-Frank Act, TILA section 105(a), 15 U.S.C. 1604(a), directs the Bureau to prescribe regulations to carry out the purposes of TILA and provides that such regulations may contain additional requirements, classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for all or any class of transactions, that the Bureau judges are necessary or proper to effectuate the purposes of TILA, to prevent circumvention or evasion thereof, or to facilitate compliance. Further, under Dodd-Frank Act section 1022(b)(1), 15 U.S.C. 5512(b)(1), the Bureau has general authority to prescribe rules as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions thereof. The Bureau is delaying the effective date until January 10, 2014, pursuant to its TILA section 105(a) and Dodd-Frank Act section 1022(b)(1) authority. The Bureau believes such a delay will facilitate compliance and help ensure that the Final Rule does not have adverse unintended consequences. In particular, the delay will permit the Bureau to clarify, before § 1026.36(i) takes effect, its applicability to transactions other than those in which a lump-sum premium is added to the loan amount at closing.

III. Effective Date

As discussed above, Dodd-Frank Act section 1414 added TILA section 129C(d), which generally prohibits a creditor from financing any premiums or fees for credit insurance in connection with any residential mortgage loan or with any extension of credit under an open-end consumer credit plan secured by the consumer's principal dwelling.[5] The prohibition applies to credit life, credit disability, credit unemployment, credit property insurance, and other similar products. The same provision states, however, that the prohibition does not apply to credit insurance for which premiums or fees are calculated and paid in full on a monthly basis or to credit unemployment insurance for which the premiums are reasonable, the creditor receives no compensation, and the premiums are paid pursuant to a separate insurance contract and are not paid to the creditor's affiliate.

In a proposed rule published on September 7, 2012,[6] the Bureau proposed to implement this provision through § 1026.36(i), which generally tracks the statutory language. In the proposal, the Bureau stated its belief that the provision was generally straightforward but sought comment on whether any issues raised by the provision required clarification. Anticipating that few, if any, clarifications would be necessary and that accordingly industry would not require significant time to accommodate any clarifications of the final rule, the Bureau also sought comment on whether the provision should become effective sooner than January 2014.[7]

The Bureau received very few public comments on the substance of the proposed prohibition or the earlier effective date. Consumer groups sought clarification on the provision's applicability to certain factual scenarios where credit insurance premiums are charged periodically, rather than as a lump-sum added to the loan amount at closing. They also urged the Bureau to provide an early effective date for the provision. The Bureau did not receive any public comments from the credit insurance industry. The Bureau received some limited comments from creditors concerning the general prohibition, but these comments did not address the applicability of the provision to transactions in which premiums are charged periodically. In the preamble to the Final Rule, the Bureau provided some explanation concerning the provision's applicability to credit insurance premiums charged periodically, rather than as a lump-sum added to the loan amount at closing.

A. Post-Final Rule Concerns

Since publication of the Final Rule, industry stakeholders have expressed concern that the regulation text and preamble left substantial uncertainty about whether, and under what circumstances, premiums for certain credit insurance products can be

[4] Consumer Financial Protection Bureau Lays Out Implementation Plan for New Mortgage Rules. Press Release. Feb. 13, 2013.

[5] 15 U.S.C. 1639C(d).

[6] 77 FR 55272 (Sept. 7, 2012).

[7] *Id.*

charged on a periodic basis in connection with a covered consumer credit transaction secured by a dwelling. Specifically, representatives of credit unions and credit insurers have raised a concern that the Final Rule could be interpreted to prohibit any level or levelized credit insurance premiums, which they believe are not financed by the creditor and/or should be permissible as calculated and paid in full on a monthly basis.[8] These stakeholders pointed out that the preamble to the Final Rule states that ''charging a fixed monthly charge for the credit insurance that does not decline as the loan balance declines would fail to meet the requirement for the premium to be 'calculated . . . on a monthly basis' [and] . . . [a]s a result, this practice would fail to satisfy the conditions for the exclusion from what constitutes 'financ[ing], directly or indirectly' credit insurance premiums.'' Thus, absent clarification by the Bureau, the Final Rule could be interpreted to assume that any level or levelized premiums are both financed by the creditor and not calculated and paid on a monthly basis—and therefore they are prohibited.

Credit insurance company representatives raised several interpretive questions relating to this concern, which they have urged the Bureau to address. They stated that levelized premiums are, in fact, ''calculated . . . on a monthly basis,'' because an actuarially derived rate is multiplied by a fixed monthly principal and interest payment to derive the monthly insurance premium. They also stated that level premiums are ''calculated . . . on a monthly basis'' because an actuarially derived rate is multiplied by the consumer's original loan amount to derive the monthly insurance premium. Accordingly, they believe that level and levelized credit insurance premiums should be excluded from the prohibition on creditors financing credit insurance premiums so long as they are also paid in full on a monthly basis. In addition they stated that, even if the Bureau concludes that level or levelized credit insurance premiums are not ''calculated'' on a monthly basis within the meaning of the exclusion from the prohibition, they are not ''financed'' by a creditor and thus are not prohibited by the statutory provision.

[8] The term ''levelized'' premiums refers to a flat monthly payment that is derived from a decreasing monthly premium alternative arrangement, and the term ''level'' premium refers to premiums for which there is no decreasing monthly premium alternative arrangement available, such as for level mortgage life insurance.

Accordingly, they have requested clarification on § 1026.36(i)'s applicability to these credit insurance products and also have expressed concern regarding their ability to comply timely, given that the Final Rule provided an effective date for § 1026.36(i) of June 1, 2013.

In light of the interpretive questions that have arisen since publication of the Final Rule, the Bureau intends to publish a proposal to seek further comment on the provision shortly. In that proposal, the Bureau intends, among other things to seek public comment, including from industry stakeholders and consumers, on (1) the applicability of the prohibition to transactions in which credit insurance premiums are charged periodically; and (2) given these proposed clarifications to § 1026.36(i), what effective date would be appropriate.

B. May 10, 2013 Proposal To Delay Effective Date

On May 10, 2013, the Bureau issued a proposed rule seeking comment on a temporary delay of the June 1, 2013 effective date of § 1026.36(i).[9] The Bureau made clear in the proposal that it contemplated delaying the effective date only as long as necessary for any clarifications to be proposed, finalized, and implemented, and sought public comment on two issues: (1) whether the effective date should be delayed; and (2) if so, what the new effective date should be. The Bureau also stated it was concerned that, if the effective date were not delayed, creditors could face uncertainty about whether and under what circumstances credit insurance premiums may be charged periodically in connection with covered consumer credit transactions secured by a dwelling, which could result in a substantial compliance burden to industry. Finally, the Bureau noted that it intends to propose and again seek comment on the effective date for any clarifications to § 1026.36(i) as part of the forthcoming proposal.

C. Public Comments

The Bureau received approximately 70 comments from credit unions and other industry members supporting the proposal to delay the effective date. These commenters agreed that interpretive questions exist regarding the application of the provision to credit insurance premiums charged periodically, in particular to level or levelized premiums. These commenters strongly supported the proposal to delay the effective date while those questions are addressed in the upcoming proposal, and they generally suggested a delay of the effective date until January 10, 2014, or alternatively 6 to 12 months after the upcoming proposal is finalized. The Bureau also received a joint comment from consumer groups opposing the proposal. The consumer groups stated that they did not believe any real interpretive questions exist that require a delay of the effective date or an additional proposal.

[9] 78 FR 27308 (May 10, 2013).

D. Final Rule

Upon consideration of these public comments, the Bureau is finalizing the proposal to delay the effective date for § 1026.36(i). The Bureau is persuaded that significant interpretive questions exist regarding the application of the provision to credit insurance charged periodically, which it intends to address in a forthcoming proposal. The Bureau also agrees with industry commenters that, if the effective date were not delayed, creditors would face uncertainty about whether and under what circumstances credit insurance premiums may be charged periodically in connection with covered consumer credit transactions secured by a dwelling, which could result in a substantial compliance burden to industry.

Rather than suspend the effective date indefinitely pending the clarification, the Bureau believes it is appropriate to adopt a new effective date for § 1026.36(i) of January 10, 2014, which is consistent with the effective date for most of the Title XIV Rulemakings. Thus, § 1026.36(i) will be effective for any transactions where applications were received by the creditor on or after January 10, 2014.

However, with respect to the January 10, 2014 effective date, the Bureau emphasizes that it intends to issue a new proposal shortly that will, among other things, specifically seek comment on the appropriate effective date in light of the proposal to provide additional clarifying amendments. The Bureau is mindful of the public comments it received in connection with this notice that suggest creditors will need time to adjust certain credit insurance premium billing practices once the clarifications are finalized. However, any such amendments will not be finalized until the Bureau has proposed amendments to § 1026.36(i), appropriately considered public comment, and issued a final rule in connection with the upcoming proposal. The Bureau is also mindful of the fact that the protections provided by Congress would have applied effective January 21, 2013, had the Bureau not promulgated implementing regulations.

The Bureau expects that industry will use the intervening time to review systems and begin making appropriate modifications to facilitate the implementation process as quickly as practicable once the additional clarifications are finalized.

Accordingly, the Bureau is delaying the June 1, 2013 effective date for the provision to January 10, 2014, while the Bureau considers addressing interpretive questions concerning the provision's applicability to transactions other than those in which a lump-sum premium is added to the loan amount at consummation.

This final rule will be effective on June 1, 2013. Under section 553(d) of the Administrative Procedure Act (APA), the required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except for (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) as otherwise provided for good cause found and published with the rule. 5 U.S.C. 553(d). This final rule does not establish any requirements, but rather delays the effective date of § 1026.36(i) until January 10, 2014. Therefore, under 553(d)(1) of the APA, the Bureau is publishing this final rule less than 30 days before its effective date because it is a substantive rule which grants or recognizes an exemption or relives a restriction. 5 U.S.C. 553(d)(1). Further, making the delay effective on June 1, 2013, will ensure that § 1026.36(i) does not take effect until the Bureau has an opportunity to clarify the provision's applicability to transactions other than those in which a lump-sum premium is added to the loan amount at closing, facilitating compliance with the statute and helping to ensure that the Final Rule does not have adverse unintended consequences. Therefore, The Bureau further finds it has good cause pursuant to section 553(d)(3) of the APA to dispense with the 30 day delayed effective date requirement because, on balance, the need to implement immediately the delay of the June 1, 2013 effective date of § 1026.36(i) outweighs the need for affected parties to prepare for this delay.

IV. Section 1022(b)(2) of the Dodd-Frank Act

In developing the final rule, the Bureau has considered the potential benefits, costs, and impacts.[10] The Bureau requested comment on its preliminary analysis as well as submissions of additional data that could inform the Bureau's analysis of the benefits, costs, and impacts of the final rule. The Bureau has consulted, or offered to consult with, the prudential regulators, HUD, USDA, FHFA, the Federal Trade Commission, and the Department of the Treasury, including regarding consistency with any prudential, market, or systemic objectives administered by such agencies.

In part VII of the Final Rule, the Bureau previously considered the costs, benefits, and impact of § 1026.36(i) as adopted by the Final Rule. The Bureau believes that, compared to the baseline established by the Final Rule,[11] the delay of the effective date for § 1026.36(i) will generally benefit creditors and the credit insurance industry by delaying the start of ongoing compliance costs, and allowing time for a process to clarify the scope and compliance requirements of the regulation. Creditors and the credit insurance industry will benefit to the extent that the changes eliminate any disruptions in the provision of credit insurance products to consumers while interpretive questions concerning § 1026.36(i) are addressed. The Bureau believes that delaying the effective date of § 1026.36(i) will also delay the consumer benefit that would result from allowing the rule to take effect. Specifically, delaying the effective date would delay the prohibition on lump-sum credit insurance premiums added to the loan amount at closing, which Congress prohibited through TILA section 129C(d).

In addition, the final rule is not expected to have a differential impact on depository institutions and credit unions with $10 billion or less in total assets as described in section 1026 of the Dodd-Frank Act or on consumers in rural areas. The Bureau does not believe that the final rule will meaningfully reduce consumers' access to consumer products and services.

V. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements.[12] These analyses must ''describe the impact of the final rule on small entities.'' [13] An IRFA or FRFA is not required if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities,[14] or if the agency considers a series of closely related rules as one rule for purposes of complying with the IRFA or FRFA requirements.[15] The Bureau also is subject to certain additional procedures under the RFA involving the convening of a panel to consult with small business representatives prior to proposing a rule for which an IRFA is required.[16]

The Bureau did not perform an IFRA for the proposed rule because it determined and certified that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The Bureau did not receive any comments regarding its certification of no significant economic impact. The Bureau concludes that a FRFA is not required for this final rule because it will not have a significant impact on a substantial number of small entities. As discussed above, the final rule will delay the June 1, 2013 effective date of § 1026.36(i), as adopted by the Final Rule, until January 10, 2014. The delay in effective date will benefit small creditors by delaying the start of any ongoing compliance costs.

Accordingly, the undersigned hereby certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

[10] Section 1022(b)(2)(A) of the Dodd-Frank Act, 12 U.S.C. 5521(b)(2), directs the Bureau, when prescribing a rule under the Federal consumer financial laws, to consider the potential benefits and costs of regulation to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services; the impact on insured depository institutions and credit unions with $10 billion or less in total assets as described in section 1026 of the Dodd-Frank Act; and the impact on consumers in rural areas. Section 1022(b)(2)(B) of the Dodd-Frank Act directs the Bureau to consult with appropriate prudential regulators or other Federal agencies regarding consistency with prudential, market, or systemic objectives that those agencies administer.

[11] The Bureau has discretion in any rulemaking to choose an appropriate scope of analysis with respect to potential benefits and costs and an appropriate baseline.

[12] 5 U.S.C. 601 *et seq.*

[13] 5 U.S.C. 603(a). For purposes of assessing the impacts of the final rule on small entities, ''small entities'' is defined in the RFA to include small businesses, small not-for-profit organizations, and small government jurisdictions. 5 U.S.C. 601(6). A ''small business'' is determined by application of Small Business Administration regulations and reference to the North American Industry Classification System (NAICS) classifications and size standards. 5 U.S.C. 601(3). A ''small organization'' is any ''not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' 5 U.S.C. 601(4). A ''small governmental jurisdiction'' is the government of a city, county, town, township, village, school district, or special district with a population of less than 50,000. 5 U.S.C. 601(5).

[14] 5 U.S.C. 605(b).

[15] 5 U.S.C. 605(c).

[16] 5 U.S.C. 609.

VI. Paperwork Reduction Act Analysis

The Bureau may not conduct or sponsor, and, notwithstanding any other provision of law, a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. Regulation Z currently contains collections of information approved by OMB. The Bureau's OMB control number for Regulation Z is 3170–0015. However, the Bureau has determined that this final rule will not materially alter these collections of information or impose any new recordkeeping, reporting, or disclosure requirements on the public that would constitute collections of information requiring approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Dated: May 29, 2013.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2013–13023 Filed 5–30–13; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0024; Directorate Identifier 2000–NE–12–AD; Amendment 39–17469; AD 2013–11–09]

RIN 2120–AA64

Airworthiness Directives; Turbomeca S.A. Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding an existing airworthiness directive (AD) for Turbomeca S.A. Arrius 2B, 2B1, and 2F turboshaft engines. That AD currently requires replacement of injector manifolds and borescope-inspection of the flame tube and the high-pressure (HP) turbine area for possible damage. This new AD requires, depending on the engine model, repetitive replacements of fuel injection manifolds and the privilege injector, or, repetitive replacements of the privilege injector. This AD was prompted by a report that the corrective actions of the existing AD were insufficient to eliminate the unsafe condition. We are issuing this AD to prevent an uncommanded in-flight shutdown of Arrius 2B1 and 2F turboshaft engines and damage to the helicopter.

DATES: This AD is effective July 5, 2013.

ADDRESSES: For service information identified in this AD, contact Turbomeca, 40220 Tarnos, France; phone: 33 (0)5 59 74 40 00; telex: 570 042; fax: 33 (0)5 59 74 45 15. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800 647 5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M 30, West Building Ground Floor, Room W12 140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7176; fax: 781–238–7199; email: *james.lawrence@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2001–08–14R1, Amendment 39 14423 (71 FR 2993, January 19, 2006). That AD applies to Turbomeca S.A. Arrius 2B, 2B1, and 2F turboshaft engines. The Arrius 2B engine model is no longer listed because it is no longer in service and has been removed from the engine Type Certificate Data Sheet No. E34NE, as requested by the manufacturer. The NPRM published in the **Federal Register** on February 7, 2013 (78 FR 9007). That NPRM proposed to require, depending on the engine model, repetitive replacements of fuel injection manifolds and the privilege injector, or, repetitive replacements of the privilege injector.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal and the FAA's response to each comment.

Request To Change Paragraphs (f)(1) and (g)(1)

Turbomeca USA requested that we change compliance paragraph (f)(1) by deleting ''or since last inspection of the fuel injection manifolds and privilege injector, whichever comes first.'' The commenter also requested that we change paragraph (g)(1) by deleting ''or since last inspection of the privilege injector, whichever comes first.'' The commenter stated that paragraphs (f)(1) and (g)(1) speak to initial replacement where subsequent replacements are addressed in paragraphs (f)(3) and (g)(3). There is no required inspection for this reason prior to reaching the allocated hours of operation time-since-new (TSN) so there will be no ''last inspection'' at this point. The fuel injection manifolds and privilege injector (Arrius 2B1 engines) and, the privilege injector (Arrius 2F engines) will not have been in service long enough to have an inspection performed. Also, an inspection (unless leading to a replacement) if done for whatever reason, will not ''reset'' the allocated hours (200 or 400) of operation TSN counter. Only a replacement will, which is why the commenter thinks the allocated hours (200 or 400) of operation TSN limit is sufficient.

We agree. Because there is no specific inspection requirement, fuel injection manifolds and privilege injectors (Arrius 2B1 enignes) and, privilege injectors (Arrius 2F engines) can be removed from one Arrius 2B1 engine and installed in another Arrius 2B1engine or from one Arrius 2F engine and installed in another Arrius 2F engine as noted in their respective service bulletins (SBs). We anticipated that those used components would undergo an inspection and flow check, prior to reinstallation. However, the fuel injection manifolds and privilege injectors are limited to the allocated hours (200 or 400) of operation TSN regardless of reuse. We changed paragraphs (f)(1) and (g)(1) of the AD as requested above.

Request To Change Compliance Paragraphs (f)(2) and (g)(2)

Turbomeca USA requested that we change compliance paragraph (f)(2) by adding ''when replacing the fuel injection manifolds and privilege injector for the first time.'' The commenter also requested that we change paragraph (g)(2) by adding ''when replacing the privilege injector for the first time.'' The commenter stated that without adding these words, these paragraphs would require a borescope inspection each time the

manifolds and privilege injector (Arrius 2B1 engines) and, privilege injectors (Arrius 2F engines) are replaced. Turbomeca SB No. A319 73 2012 (Arrius 2B1) and SB No. A319 73 4001 (Arrius 2F) specifically state to perform the borescope inspection when the components are replaced for the first time.

The commenter also stated that the purpose of borescope inspection is to identify the internal condition before initial replacement and to verify there is no distress caused by a partially blocked or totally blocked condition. It is intended to verify there was no collateral damage downstream (flame tube, HP turbine). The replacement interval is an interval that would prevent any distress being created, should a blocked condition occur, thus eliminating the need for borescope checks at each replacement. Also, borescope inspection of the combustion chamber and the gas generator turbine is called for at certain intervals by the engine maintenance manual, which will allow sufficient periodic monitoring for collateral damage.

We agree with the commenter's technical explanation and rationale. We changed paragraphs (f)(2) and (g)(2) of the AD as requested above.

Request To Change Compliance Paragraphs (f)(3)

Turbomeca USA requested that we change compliance paragraph (f)(3) which states, ''Thereafter, within every 200 operating hours time-in-service (TIS) since last fuel injector manifolds and privilege injector replacement, replace the fuel injector manifolds and the privilege injector with parts eligible for installation'' to ''Thereafter, within every 200 operating hours TIS since last fuel injector manifolds and privilege injector replacement, or sooner if a power check performed per flight manual EC T135–T1 indicates a negative T45 margin, replace the fuel injector manifolds and the privilege injector with parts eligible for installation.'' The commenter stated that T45 margin is monitored as part of existing scheduled maintenance and, as it is known as being a possible consequence of manifolds or privilege injector blockage, it is inserted as an additional ''trigger'' point for replacement prior to the hard hours TSN replacement limit. The engine is not serviceable with a negative T45 margin and engine repair is needed before further flight. The need for borescope inspection only with first replacement is not modified in case of an early replacement triggered by detection of negative T45 margin.

We agree with the commenter's technical explanation and rationale, which applies only to the Arrius 2B1 engines. We changed paragraph (f)(3) of the AD as requested above.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Costs of Compliance

We estimate that this AD affects about 38 Arrius 2B1 engines and about 93 Arrius 2F engines installed on helicopters of U.S. registry. We also estimate that it will take about two hours per engine to replace the injector manifolds and about one hour per engine to replace the privilege injector. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of the AD on U.S. operators to be $663,615.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2001–08–14R1, Amendment 39 14423 (71 FR 2993, January 19, 2006), and adding the following new AD:

* * * * *

2013–11–09 Turbomeca S.A.: Amendment 39 17469; Docket No. FAA–2013–0024; Directorate Identifier 2000–NE–12–AD.

(a) Effective Date

This AD is effective July 5, 2013.

(b) Affected ADs

This AD supersedes AD 2001–08–14R1, Amendment 39 14423 (71 FR 2993, January 19, 2006).

(c) Applicability

This AD applies to all Turbomeca S.A. Arrius 2B1 and 2F turboshaft engines.

(d) Unsafe Condition

This AD was prompted by a report that the corrective actions of AD 2001–08–14R1, Amendment 39 14423 (71 FR 2993, January 19, 2006) were insufficient to eliminate the unsafe condition. We are issuing this AD to prevent an uncommanded in-flight shutdown of Arrius 2B1 and 2F turboshaft engines and damage to the helicopter.

(e) Compliance

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

(f) Arrius 2B1 Turboshaft Engines

(1) Replace the fuel injector manifolds and privilege injector with parts eligible for

installation before exceeding 200 operating hours, time-since-new (TSN).

(2) Borescope-inspect the flame tube and the high-pressure turbine area for turbine distress, when replacing the fuel injection manifolds and privilege injector for the first time.

(3) Thereafter, within every 200 operating hours, time-in-service (TIS) since last fuel injector manifolds and privilege injector replacement, or sooner if a power check performed per flight manual EC T135–T1 indicates a negative T45 margin, replace the fuel injector manifolds and the privilege injector with parts eligible for installation.

(g) Arrius 2F Turboshaft Engines

(1) Replace the privilege injector with a privilege injector eligible for installation before exceeding 400 operating hours TSN.

(2) Borescope-inspect the flame tube and the high-pressure turbine area for turbine distress, when replacing the privilege injector for the first time.

(3) Thereafter, within every 400 operating hours TIS since last privilege injector replacement, replace the privilege injector with parts eligible for installation.

(h) Definition

For the purposes of this AD, TIS is defined as:

(1) The number of engine operating hours on the manifolds since the manifolds were new or since the manifolds were last cleaned, whichever is more.

(2) The number of engine operating hours on the privilege injector since the privilege injector was new or since the privilege injector was last cleaned, whichever is more.

(i) Installation Prohibitions

(1) For Arrius 2B1 turboshaft engines, after the effective date of this AD, do not install fuel injector manifolds or a privilege injector on an engine, or an engine on a helicopter, unless the fuel injection manifold and privilege injector have accumulated fewer than 200 operating hours since new, or since last inspection.

(2) For Arrius 2F turboshaft engines, after the effective date of this AD, do not install a privilege injector on an engine, or an engine on a helicopter, unless the privilege injector has accumulated fewer than 400 operating hours since new, or since last inspection.

(j) Alternative Methods of Compliance (AMOCs)

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

(k) Related Information

(1) For more information about this AD, contact James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7176; fax: 781–238–7199; email: *james.lawrence@faa.gov.*

(2) See European Aviation Safety Agency AD 2012–0150, dated August 8, 2012, and AD 2012–0249, dated November 21, 2012, Turbomeca S.A. Alert Mandatory Service Bulletin (MSB) No. A319 73 2012, Version I, dated November 12, 2012, and Turbomeca S.A. Alert MSB No. A319 73 4001, Version L, dated January 17, 2013, for related information.

(3) For service information identified in this AD, contact Turbomeca, 40220 Tarnos, France; phone: 33 (0)5 59 74 40 00; telex: 570 042; fax: 33 (0)5 59 74 45 15. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(l) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on May 23, 2013.

Colleen M. D'Alessandro,

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

[FR Doc. 2013–12696 Filed 5–30–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–0792; Airspace Docket No. 12–ANE–13]

Establishment of Class E Airspace; Boothbay, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E Airspace at Boothbay, ME, to accommodate a new Area Navigation (RNAV) Global Positioning System (GPS) special Standard Instrument Approach Procedure (SIAP) serving St. Andrews Hospital Heliport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System. Also, geographic coordinates are corrected under their proper heading.

DATES: Effective 0901 UTC, August 22, 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 March 28, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace at Boothbay, ME (78 FR 18929). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication the FAA found that the points of space coordinates were incorrect. This action makes the correction. Except for editorial changes and the changes listed above, this rule is the same as published in the NPRM.

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 establishes Class E airspace extending upward from 700 feet above the surface at Boothbay, ME, providing the controlled airspace required to support the new Copter RNAV (GPS) special standard instrument approach procedures for St. Andrews Hospital Heliport. Controlled airspace within a 6-mile radius of the point in space coordinates of the heliport is necessary for the safety and management of IFR operations at the heliport. Geographic coordinates for the heliport and point in space are corrected and separately listed.

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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does 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 establishes controlled airspace at St. Andrews Hospital Heliport, Boothbay, ME.

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 ME E5 Boothbay, ME [New]

St. Andrews Hospital Heliport, ME

(Lat. 43°51′02″ N., long. 69°38′16″ W.)
Point in Space Coordinates
(Lat. 43°50′40″ N., long. 69°37′32″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point in Space Coordinates (lat. 43°50′40″ N., long. 69°37′32″ W.) serving St. Andrews Hospital Heliport.

Issued in College Park, Georgia, on May 21, 2013.

Jackson Allen,

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

[FR Doc. 2013–12769 Filed 5–30–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 320

[Docket ID: DoD–2013–OS–0122]

Privacy Act; Implementation

AGENCY: National Geospatial-Intelligence Agency (NGA), DoD.

ACTION: Direct final rule.

SUMMARY: National Geospatial-Intelligence Agency (NGA) is proposing to update the NGA Privacy Act Program by adding the (j)(2) and (k)(2) exemptions to accurately describe the basis for exempting the records in the system of records notice NGA–004, NGA Threat Mitigation Records. In addition, exempt materials from JUSTICE/FBI–019 Terrorist Screening Records System may become part of the case records in this system of records. To the extent that copies of exempt records from JUSTICE/FBI–019, Terrorist Screening Records System are entered into these Threat Mitigation case records, NGA hereby claims the same exemptions for the records as claimed in JUSTICE/FBI–019, Terrorist Screening Records system of records of which they are a part.

DATES: This direct final rule is effective on July 30, 2013. Comments due on or before July 1, 2013. If adverse comments are received, DOD will publish a timely withdrawal of the rule in the **Federal Register**.

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 for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to 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: National Geospatial-Intelligence Agency (NGA), ATTN: Security Specialist, Mission Support, MSRS P–12, 7500 GEOINT Drive, Springfield, VA 22150.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves changes dealing with DoD's management of its Privacy Programs. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

Background

This direct final rule makes changes to the National Geospatial-Intelligence Agency (NGA) Program rules. These changes will allow the Department to add exemption rules to the NGA Privacy Program rules that will exempt applicable Department records and/or material from certain portions of the Privacy Act. This will improve the efficiency and effectiveness of DoD's program by ensuring the integrity of the security and counterintelligence records by the National Geospatial-Intelligence Agency and the Department of Defense.

This rule is being published as a direct final rule as the Department of Defense does not expect to receive any adverse comments, and so a proposed rule is unnecessary.

In 2008, the United States Congress passed legislation that obligated the Secretary of Defense to develop access

standards for individuals entering military installations. The Department of Defense (DoD) developed a visitor database to manage multiple criminal and security sensitive databases that are capable of identifying individuals seeking access to DoD installations who are believed to be criminal and security threats. The purpose of the vetting database is to screen individuals wishing to enter a DoD facility, to include those who have been previously given authority to access DoD installations, against the the Terrorist Screening Records. These records have properly documented exemption rules and to the extent that copies of exempt records are a part of the NGA Threat Mitigation Records, NGA hereby claims the same exemptions for the records as claimed in JUSTICE/FBI–019, Terrorist Screening Records of which they are a part.

Regulatory Procedures

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

It has been determined that this rule is not a significant rule. This rule does not (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in these Executive orders.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

This rule will not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense. A Regulatory Flexibility Analysis is not required.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

This direct final rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

These amendments do not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and will not significantly or uniquely affect small governments.

Executive Order 13132, ''Federalism''

Executive Order 13132 requires regulations be reviewed for Federalism effects on the institutional interest of states and local governments, and if the effects are sufficiently substantial, preparation of the Federal assessment is required to assist senior policy makers. The amendments will not have any substantial direct effects on state and local governments within the meaning of the EO. Therefore, no Federalism assessment is required.

List of Subjects in 32 CFR Part 320

Privacy.

Accordingly, 32 CFR part 320 is amended as follows:

PART 320—NATIONAL GEOSPATIAL—INTELLIGENCE AGENCY (NGA)

■ 1. The authority citation for 32 CFR part 320 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

■ 2. In § 320.12, add paragraph (c) to read as follows:

§ 320.12 Exemptions.

* * * * *

(c) *System identifier and name:* NGA–004, NGA Threat Mitigation Records.

(1) *Exemptions:* Exempt materials from JUSTICE/FBI–019 Terrorist Screening Records System may become part of the case records in this system of records. To the extent that copies of exempt records from JUSTICE/FBI–019, Terrorist Screening Records System are entered into these Threat Mitigation case records, NGA hereby claims the same exemptions (j)(2) and (k)(2), for the records as claimed in JUSTICE/FBI–019, Terrorist Screening Records system of records of which they are a part.

(2) *Authority:* 5 U.S.C. 552a(j)(2) and (k)(2).

(3) *Reasons:* (i)Pursuant to *5 U.S.C. 552a(j)(2)* and (k)(2), NGA is claiming the following exemptions for certain records within the Threat Mitigation Records system: *5 U.S.C. 552a(c)(3)* and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G) through (I), (5), and (8); (f), and (g).

(ii) In addition to records under the control of NGA, the Threat Mitigation system of records may include records originating from systems of records of other law enforcement and intelligence agencies which may be exempt from certain provisions of the Privacy Act. However, NGA does not assert exemption to any provisions of the Privacy Act with respect to information submitted by or on behalf of individuals.

(iii) To the extent the Threat Mitigation system contains records originating from other systems of records, NGA will rely on the exemptions claimed for those records in the originating system of records. Exemptions for certain records within the Threat Mitigation system from particular subsections of the Privacy Act are justified for the following reasons:

(A) From subsection (c)(3) (Accounting for Disclosures) because giving a record subject access to the accounting of disclosures from records concerning him or her could reveal investigative interest on the part of the recipient agency that obtained the record pursuant to a routine use. Disclosure of the accounting could therefore present a serious impediment to law enforcement efforts on the part of the recipient agency because the individual who is the subject of the record would learn of third agency investigative interests and could take steps to evade detection or apprehension. Disclosure of the accounting also could reveal the details of watch list matching measures under the Threat Mitigation system, as well as capabilities and vulnerabilities of the watch list matching process, the release of which could permit an individual to evade future detection and thereby impede efforts to ensure security.

(B) From subsection (c)(4) because portions of this system are exempt from the access and amendment provisions of subsection (d).

(C) From subsections (d)(1), (2), (3), and (4) because these provisions concern individual access to and amendment of certain records contained in this system, including law enforcement counterterrorism, investigatory and intelligence records. Compliance with these provisions could alert the subject of an investigation of the fact and nature of the investigation, and/or the investigative interest of intelligence or law enforcement agencies; compromise sensitive information related to national security; interfere with the overall law enforcement process by leading to the destruction of evidence, improper influencing of witnesses, fabrication of testimony, and/or flight of the subject; identify a confidential source or

disclose information which would constitute an unwarranted invasion of another's personal privacy; reveal a sensitive investigative or intelligence technique; or constitute a potential danger to the health or safety of law enforcement personnel, confidential informants, and witnesses. Amendment of these records would interfere with ongoing counterterrorism, law enforcement, or intelligence investigations and analysis activities and impose an impossible administrative burden by requiring investigations, analyses, and reports to be continuously reinvestigated and revised.

(D) From subsection (e)(1) because it is not always possible for NGA or other agencies to know in advance what information is both relevant and necessary for it to complete an identity comparison between individuals and a known or suspected terrorist. In addition, because NGA and other agencies may not always know what information about an encounter with a known or suspected terrorist will be relevant to law enforcement for the purpose of conducting an operational response.

(E) From subsection (e)(2) because application of this provision could present a serious impediment to counterterrorism, law enforcement, or intelligence efforts in that it would put the subject of an investigation, study or analysis on notice of that fact, thereby permitting the subject to engage in conduct designed to frustrate or impede that activity. The nature of counterterrorism, law enforcement, or intelligence investigations is such that vital information about an individual frequently can be obtained only from other persons who are familiar with such individual and his/her activities. In such investigations, it is not feasible to rely upon information furnished by the individual concerning his own activities.

(F) From subsection (e)(3), to the extent that this subsection is interpreted to require NGA to provide notice to an individual if NGA or another agency receives or collects information about that individual during an investigation or from a third party. Should the subsection be so interpreted, exemption from this provision is necessary to avoid impeding counterterrorism, law enforcement, or intelligence efforts by putting the subject of an investigation, study or analysis on notice of that fact, thereby permitting the subject to engage in conduct intended to frustrate or impede that activity.

(G) From subsections (e)(4)(G) and (H) (Agency Requirements) and (f) (Agency Rules), because this system is exempt from the access provisions of *5 U.S.C. 552a(d).*

(H) From subsection (e)(5) because many of the records in this system coming from other system of records are derived from other agency record systems and therefore it is not possible for NGA to ensure their compliance with this provision, however, NGA has implemented internal quality assurance procedures to ensure that data used in the matching process is as thorough, accurate, and current as possible. In addition, in the collection of information for law enforcement, counterterrorism, and intelligence purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light. The restrictions imposed by (e)(5) would limit the ability of those agencies' trained investigators and intelligence analysts to exercise their judgment in conducting investigations and impede the development of intelligence necessary for effective law enforcement and counterterrorism efforts. However, NGA has implemented internal quality assurance procedures to ensure that the data used in the matching process is as thorough, accurate, and current as possible.

(I) From subsection (e)(8) because to require individual notice of disclosure of information due to compulsory legal process would pose an impossible administrative burden on NGA and other agencies and could alert the subjects of counterterrorism, law enforcement, or intelligence investigations to the fact of those investigations when not previously known.

(J) From subsection (f) (Agency Rules) because portions of this system are exempt from the access and amendment provisions of subsection (d).

(K) From subsection (g) to the extent that the system is exempt from other specific subsections of the Privacy Act.

Dated: May 23, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–12741 Filed 5–30–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 164

Navigation Underway; Tankers

CFR Correction

In Title 33 of the Code of Federal Regulations, Parts 125 to 199, revised as of July 1, 2012, on page 598, after the source note for § 164.13, the effective date note is reinstated to read as follows: ''**EFFECTIVE DATE NOTE**: At 58 FR 36141, July 6, 1993, § 164.13 was amended by suspending paragraph (e), effective July 9, 1993.''

[FR Doc. 2013–13014 Filed 5–30–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0378]

RIN 1625–AA00

Safety Zone; 2013 Ocean City Air Show, Atlantic Ocean; Ocean City, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the Atlantic Ocean in the vicinity of Ocean City, MD to support the Ocean City Air Show. This action is intended to restrict vessel traffic movement in the restricted area in order to protect mariners from the hazards associated with air show events.

DATES: This rule is effective from June 6, 2013, at 10 a.m. until June 9, 2013, at 4 p.m. This rule will be enforced from 10 a.m. until 4 p.m. daily between June 6, 2013, and June 9, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0378]. To view documents mentioned in this preamble as being available in the docket, go to *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 rulemaking. 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 rule, call or email LCDR Hector Cintron, Waterways Management Division Chief, Sector Hampton Roads, Coast Guard; telephone 757–668–5581, email *Hector.L.Cintron@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the final details of the event were not made known until recently. Therefore, publishing an NPRM would be impracticable since immediate action is needed to provide for the safety of life and property on navigable waters.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be impracticable and contrary to the public interest since immediate action is needed to ensure the safety of the event participants, spectator craft, and other vessels transiting the event area.

B. Basis and Purpose

From June 6, 2013, until June 9, 2013, Ocean City, MD will host an air show event between Talbot Street and 33rd Street over the Atlantic Ocean in Ocean City, MD. In recent years, there have been unfortunate instances of jets and planes crashing during performances at air shows. In addition, there is typically a wide area of scattered debris that also damages property and could cause significant injury or death to mariners observing the air shows. In order to protect mariners and the public transiting the Atlantic Ocean immediately below the air show from hazards associated with the air show, the Coast Guard is establishing a safety zone.

C. Discussion of the Final Rule

The Coast Guard is establishing a safety zone on specified waters of the Atlantic Ocean bounded by the following coordinates: 38°,21′,38″ N/ 075°,04′,04″ W, 38°,21′,27″ N/ 075°,03′,29″ W, 38°,19′,35″ N/ 075°,04′,19″ W, 38°,19′,45″ N/ 075°,04′,54″ W (NAD 1983) in the vicinity of Ocean City, MD. This safety zone is effective from 10 a.m. on June 6, 2013, until 4 p.m. on June 9, 2013, and will be enforced daily between the hours of 10 a.m. and 4 p.m. Access to the safety zone will be restricted during the specified date and times. No person or vessel may enter or remain in the safety zone except for vessels authorized by the Captain of the Port or his Representative.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. Although this proposed regulation restricts access to the safety zone, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because the zone will only be in place for a limited duration and maritime advisories will be issued allowing the mariners to adjust their plans accordingly.

This rule would affect the following entities, some of which might be small entities: The owners and operators of vessels intending to transit or anchor in that portion of the Atlantic Ocean from June 6, 2013, until June 9, 2013, between the hours of 10 a.m. and 4 p.m. each day.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on 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. We have analyzed this rule under that Order and

determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone on the navigable waters of the Atlantic Ocean in Ocean City, MD in order to restrict vessel traffic movement to protect mariners from the hazards associated with air show events. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination will be available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–0378 to read as follows:

§ 165.T05–0378 Safety Zone; Ocean City Air Show, Atlantic Ocean, Ocean City, MD.

(a) *Regulated area.* The following area is a safety zone: Specified waters of the Captain of the Port Sector Hampton Roads zone, as defined in 33 CFR 3.25–10, in the vicinity of the Atlantic Ocean in Ocean City, MD bound by the following coordinates: 38°,21′,38″ N/075°,04′,04″ W, 38°,21′,27″ N/075°,03′,29″ W, 38°,19′,35″ N/075°,04′,19″ W, 38°,19′,45″ N/075°,04′,54″ W (NAD 1983).

(b) *Definition.* For the purposes of this part, Captain of the Port Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone Number (757) 668–5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement period.* This regulation will be enforced from June 6, 2013 until June 9, 2013 between the hours of 10 a.m. and 4 p.m. each day.

Dated: May 13, 2013.

John K. Little,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 2013–12888 Filed 5–30–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[EPA–HQ–OW–2013–0300; FRL–9818–2]

Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action announces the U.S. Environmental Protection Agency's

(EPA's) approval of alternative testing methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations. The Safe Drinking Water Act (SDWA) authorizes EPA to approve the use of alternative testing methods through publication in the **Federal Register**. EPA is using this streamlined authority to make 84 additional methods available for analyzing drinking water samples. This expedited approach provides public water systems, laboratories, and primacy agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection.

DATES: This action is effective May 31, 2013.

FOR FURTHER INFORMATION CONTACT: Safe Drinking Water Hotline (800) 426–4791 or Glynda Smith, Technical Support Center, Standards and Risk Management Division, Office of Ground Water and Drinking Water (MS 140), Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268; telephone number: (513) 569–7652; email address: *smith.glynda@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Public water systems are the regulated entities required to measure contaminants in drinking water samples. In addition, EPA Regions as well as States and Tribal governments with authority to administer the regulatory program for public water systems under SDWA may also measure contaminants in water samples. When EPA sets a monitoring requirement in its national primary drinking water regulations for a given contaminant, the agency also establishes in the regulations standardized test procedures for analysis of the contaminant. This action makes alternative testing methods available for particular drinking water contaminants beyond the testing methods currently established in the regulations. EPA is providing public water systems required to test water samples with a choice of using either a test procedure already established in the existing regulations or an alternative test procedure that has been approved in this action or in prior expedited approval actions. Categories and entities that may ultimately be affected by this action include:

Category	Examples of potentially regulated entities	NAICS [1]
State, Local, & Tribal Governments	States, local and Tribal governments that analyze water samples on behalf of public water systems required to conduct such analysis; States, local and Tribal governments that themselves operate community and non-transient non-community water systems required to monitor.	924110
Industry	Private operators of community and non-transient non-community water systems required to monitor.	221310
Municipalities	Municipal operators of community and non-transient non-community water systems required to monitor.	924110

[1] North American Industry Classification System.

This table is not exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be impacted. To determine whether your facility is affected by this action, you should carefully examine the applicability language in the *Code of Federal Regulations* (CFR) at 40 CFR 141.2 (definition of public water system). If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. How can I get copies of this document and other related information?

Docket. EPA established a docket for this action under Docket ID No. EPA–HQ–OW–2013–0300. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. Copyrighted materials are available only in hard copy. The EPA Docket Center 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 Water Docket is (202) 566–2426.

Abbreviations and Acronyms Used in This Action

APHA: American Public Health Association
CFR: *Code of Federal Regulations*
EPA: United States Environmental Protection Agency
GC: Gas Chromatography
GC/MS: Gas Chromatography/Mass Spectrometry
GWR: Ground Water Rule
NAICS: North American Industry Classification System
NEMI: National Environmental Methods Index
QC: Quality Control
SDWA: Safe Drinking Water Act
TTHM: Total trihalomethanes
VCSB: Voluntary Consensus Standard Bodies

II. Background

A. What is the purpose of this action?

In this action, EPA is approving 84 analytical methods for determining contaminant concentrations in samples collected under SDWA. Regulated parties required to sample and monitor may use either the testing methods already established in existing regulations or the alternative testing methods being approved in this action or in prior expedited approval actions. The new methods are listed along with other previously expedited methods in 40 CFR Part 141 Appendix A to Subpart C and on EPA's drinking water methods Web site at *http://water.epa.gov/scitech/drinkingwater/labcert/analyticalmethods_expedited.cfm.*

B. What is the basis for this action?

When EPA determines that an alternative analytical method is ''equally effective'' (i.e., as effective as a method that has already been promulgated in the regulations), SDWA allows EPA to approve the use of the alternative method through publication in the **Federal Register.** (See Section 1401(1) of SDWA.) EPA is using this streamlined approval authority to make 84 additional methods available for determining contaminant concentrations in samples collected under the SDWA. EPA has determined that, for each contaminant or group of contaminants listed in Section III, the additional testing methods being

approved in this action are as effective as one or more of the testing methods already approved in the regulations for those contaminants. Section 1401(1) of SDWA states that the newly approved methods ''shall be treated as an alternative for public water systems to the quality control and testing procedures listed in the regulation.'' Accordingly, this action makes these additional 84 analytical methods legally available as options for meeting EPA's monitoring requirements.

This action does not add regulatory language, but does, for informational purposes, update an appendix to the regulations at 40 CFR Part 141 that lists all methods approved under Section 1401(1) of SDWA. Accordingly, while this action is not a rule, it is updating CFR text and therefore is being published in the ''Final Rules'' section of the **Federal Register**.

III. Summary of Approvals

EPA is approving 84 methods that are equally effective relative to methods previously promulgated in the regulations. By means of this notice, these 84 methods are added to Appendix A to Subpart C of 40 CFR Part 141.

A. Methods Developed by EPA

1. EPA Method 524.4 (USEPA 2013) is a gas chromatography/mass spectrometry (GC/MS) method for the determination of 21 purgeable organic compounds, which are regulated in drinking water as specified at 40 CFR 141.61(a)(1) through (21), and total trihalomethanes (TTHM), which are regulated in drinking water as specified at 40 CFR 141.64(b)(1) and (2). The method analytes are purged from the water sample using nitrogen and trapped on a sorbent material. After purging, the sorbent trap is heated and back flushed with GC carrier gas and the analytes are transferred to a capillary GC column. The analytes eluting from the GC column are directed into a mass spectrometer for detection and quantitation. The analytes are identified by comparing the acquired mass spectra and retention times for calibration standards acquired under identical GC/MS conditions. The concentration of each analyte is calculated using the internal standard technique and response curves are generated using procedural calibration standards. EPA Method 524.4 is an extension of EPA Method 524.3 (USEPA 2009a) which was approved in an earlier expedited methods approval action (74 FR 38348, August 3, 2009) (USEPA 2009b). Both EPA Methods 524.4 and 524.3 are updated versions of EPA Method 524.2, Revision 4.1 (USEPA 1995), which is currently approved at 40 CFR 141.24(e)(1) for the analysis of benzene; carbon tetrachloride; chlorobenzene; 1,2-dichlorobenzene; 1,4-dichlorobenzene; 1,2-dichloroethane; cis-dichloroethylene; trans-dichloroethylene; dichloromethane; 1,2-dichloropropane; ethylbenzene; styrene; tetrachloroethylene; 1,1,1-trichloroethane; trichloroethylene; toluene; 1,2,4-trichlorobenzene; 1,1-dichloroethylene; 1,1,2-trichloroethane; vinyl chloride; total xylenes (sum of o-xylene, m-xylene, and p-xylene) and total trihalomethanes (TTHM; sum of chloroform, bromodichloromethane, dibromochloromethane, and bromoform). EPA Method 524.2, Revision 4.1 is also approved at 40 CFR 141.131(b)(1) for TTHM. The primary difference between EPA Method 524.4 and EPA Method 524.3 lies in the purge gas. The cost of helium continues to rise and EPA Method 524.4 was developed using less expensive nitrogen gas to purge the analytes from drinking water samples instead of helium.

For each of the purgeable organic compounds and TTHM contaminants, the method performance characteristics of EPA Method 524.4 were compared to those of the approved method, EPA Method 524.2, Revision 4.1. EPA has determined EPA Method 524.4 is equally as effective as the approved method for determining the concentrations of each of the regulated purgeable organic compounds and TTHM contaminants in drinking water. The basis for this determination is discussed in detail in Smith and Wendelken (2012a). Therefore, EPA is approving the use of EPA Method 524.4 for each of the above named contaminants when analyzing drinking water compliance samples.

A copy of EPA Method 524.4 can be accessed and downloaded directly on-line at *http://water.epa.gov/scitech/drinkingwater/labcert/analyticalmethods.cfm.*

B. Methods Developed by Voluntary Consensus Standard Bodies (VCSB)

1. Standard Methods for the Examination of Water and Wastewater (Standard Methods). The 22nd edition of *Standard Methods for the Examination of Water and Wastewater* (APHA 2012) was published earlier this year. EPA compared 79 methods in the 22nd edition to earlier versions of those methods that are currently approved in 40 CFR Part 141. Changes between the approved version and the version of each method published in the 22nd edition are summarized in Smith and Wendelken (2012b) and Best (2013). The revisions primarily involve editorial changes (e.g., corrections of errors, procedural clarifications, and reorganization of text); in addition, most of the chemistry methods in the 22nd edition contain an editorial change that directs analysts to the appropriate Quality Control (QC) section that contains the QC criteria and practices that are to be followed as part of the method. The methods in the 22nd edition listed in the following table are the same as the earlier approved versions with respect to the chemistry, sample handling protocols, and method performance data. For all of these reasons, EPA has concluded that the versions in the 22nd edition are thus equally effective relative to those that are currently approved in the regulations. Therefore, EPA is approving the use of 79 updated Standard Methods in the 22nd edition for the contaminants and their respective regulations listed in the following table:

Standard method, 22nd edition (APHA 2012)	Approved method	Contaminant	Regulation
2120 B	2120 B–01, online version (APHA 2001a).	Color	40 CFR 143.4(b)
2130 B	2130 B–01, online version (APHA 2001b).	Turbidity	40 CFR 141.74(a)(1)
2150 B	2150 B–97, online version (APHA 1997a).	Odor	40 CFR 143.4(b)
2320 B	2320 B–97, online version (APHA 1997b).	Alkalinity	40 CFR 141.23(k)(1)
2510 B	2510 B–97, online version (APHA 1997c).	Conductivity	40 CFR 141.23(k)(1)

Standard method, 22nd edition (APHA 2012)	Approved method	Contaminant	Regulation
2540 C	2540 C–97, online version (APHA 1997d).	Total Dissolved Solids	40 CFR 143.4(b)
2550	2550–00, online version (APHA 2000a).	Temperature	40 CFR 141.23(k)(1)
3111 B	3111 B–99, online version (APHA 1999a).	Calcium, copper, magnesium, nickel, sodium, iron, manganese, silver, zinc.	40 CFR 141.23(k)(1); 40 CFR 143.4(b)
3111 D	3111 D–99, online version (APHA 1999a).	Barium, aluminum	40 CFR 141.23(k)(1); 40 CFR 143.4(b)
3112 B	3112 B–99, online version (APHA 1999b).	Mercury	40 CFR 141.23(k)(1)
3113 B	3113 B, 19th Edition (APHA 1995)	Antimony, arsenic, barium, beryllium, cadmium, chromium, copper, lead, nickel, selenium, aluminum, iron, manganese, silver.	40 CFR 141.23(k)(1); 40 CFR 143.4(b)
3114 B	3114 B–97, online version (APHA 1997e).	Arsenic, selenium	40 CFR 141.23(k)(1)
3120 B	3120 B–99, online version (APHA 1999c).	Barium, beryllium, calcium, chromium, copper, magnesium, nickel, silica, aluminum, iron, manganese, silver, zinc.	40 CFR 141.23(k)(1); 40 CFR 143.4(b)
3500-Ca B	3500-Ca B–97, online version (APHA 1997f).	Calcium	40 CFR 141.23(k)(1)
3500-Mg B	3500-Mg B–97, online version (APHA 1997g).	Magnesium	40 CFR 141.23(k)(1)
4110 B	4110 B–00, online version (APHA 2000b).	Fluoride, nitrate, nitrite, ortho-phosphate, chloride, sulfate.	40 CFR 141.23(k)(1); 40 CFR 143.4(b)
4500-Cl D,F,G,H,	4500-Cl D,F,G,H–00, online versions (APHA 2000c).	Free chlorine	40 CFR 141.74(a)(2); 40 CFR 141.131(c)(1)
4500-Cl D,E,F,G,I	4500-Cl D,E,F,G,I–00, online versions (APHA 2000c).	Total chlorine	40 CFR 141.74(a)(2); 40 CFR 141.131(c)(1)
4500-Cl D,F,G,	4500-Cl D,F,G–00, online versions (APHA 2000c).	Combined chlorine	40 CFR 141.131(c)(1)
4500-Cl- B,D	4500-Cl- B,D–97, online versions (APHA 1997h).	Chloride	40 CFR 143.4(b)
4500-ClO_2 C	4500-ClO_2 C–00, online version (APHA 2000d).	Chlorine Dioxide	40 CFR 141.74(a)(2)
4500-ClO_2 E	4500-ClO_2 E–00, online version (APHA 2000d).	Chlorine Dioxide	40 CFR 141.74(a)(2); 40 CFR 141.131(c)(1)
4500-ClO_2 E	4500-ClO_2 E–00, online version (APHA 2000d).	Chlorite	40 CFR 141.131(b)(1)
4500–CN- E,F,G	4500–CN- E,F,G–99, online versions (APHA 1999d).	Cyanide	40 CFR 141.23(k)(1)
4500–F- B,C,D,E	4500–F- B,C,D,E–97, online versions (APHA 1997i).	Fluoride	40 CFR 141.23(k)(1)
4500–H+ B	4500–H+ B–00, online version (APHA 2000e).	pH	40 CFR 141.23(k)(1)
4500–NO_3- D	4500–NO_3 D–00, online version (APHA 2000f).	Nitrate	40 CFR 141.23(k)(1)
4500–NO_3- E,F	4500–NO_3- E,F–00, online versions (APHA 2000f).	Nitrate, nitrite	40 CFR 141.23(k)(1)
4500–NO_2- B	4500–NO_2- B–00, online version (APHA 2000g).	Nitrite	40 CFR 141.23(k)(1)
4500–O_3 B	4500–O_3 B–97, online version (APHA 1997j).	Ozone	40 CFR 141.74(a)(2)
4500–P E,F	4500–P E,F, 19th Edition (APHA 1995).	Ortho-phosphate	40 CFR 141.23(k)(1)
4500-SiO_2 C,D,E	4500-SiO_2 C,D,E–97, online versions (APHA 1997k).	Silica	40 CFR 141.23(k)(1)
4500–SO_4^{2-} C,D,E,F	4500–SO_4^{2-} C,D,E,F, 19th Edition (APHA 1995).	Sulfate	40 CFR 143.4(b)
5310 B,C,D	5310 B,C,D–00, online versions (APHA 2000h).	Dissolved and Total Organic Carbon	40 CFR 141.131(d)
5540 C	5540 C–00, online version (APHA 2000i).	Foaming agents	40 CFR 143.4(b)
5910 B	5910 B–00, online version (APHA 2000j).	UV Absorption at 254 nm	40 CFR 141.131(d)
6251 B	6251 B–94, online version (APHA 1994).	HAA5	40 CFR 141.131(b)(1)
6610 B	EPA Method 531.2, Rev. 1.0 (2001a)	Carbofuran, oxamyl	40 CFR 141.24(e)(1)
6640 B	EPA Method 515.4, Rev. 1.0 (2000)	2,4–D; 2,4,5–TP; Dalapon; Dinoseb; Pentachlorophenol; Picloram.	40 CFR 141.24(e)(1)
6651 B	6651 B, 20th Edition (APHA 1998)	Glyphosate	40 CFR 141.24(e)(1)

Standard method, 22nd edition (APHA 2012)	Approved method	Contaminant	Regulation
7110 B	7110 B–00, online version (APHA 2000k).	Gross alpha and beta	40 CFR 141.25(a)
7110 C	7110 C–00, online version (APHA 2000k).	Gross alpha	40 CFR 141.25(a)
7120	7120–97, online version (APHA 1997l).	Gamma emitters (includes radioactive cesium and iodine).	40 CFR 141.25(a)
7500-Cs B	7500-Cs B–00, online version (APHA 2000l).	Radioactive Cesium Gamma emitters	40 CFR 141.25(a)
7500-^{3}H B	7500-^{3}H B–00, online version (APHA 2000m).	Tritium	40 CFR 141.25(a)
7500–I B	7500–I B–00, online version (APHA 2000n).	Radioactive Iodine Gamma emitters	40 CFR 141.25(a)
7500–I C,D	7500–I C,D–00, online versions (APHA 2000n).	Radioactive Iodine	40 CFR 141.25(a)
7500-Ra B,C	7500-Ra B,C–01, online versions (APHA 2001c).	Radium-226	40 CFR 141.25(a)
7500-Ra D	7500-Ra D–01, online version (APHA 2001c).	Radium-228	40 CFR 141.25(a)
7500-Sr B	7500-Sr B–01, online version (APHA 2001d).	Strontium-89, Strontium-90	40 CFR 141.25(a)
7500–U B,C	7500–U B,C–00, online versions (APHA 2000o).	Uranium	40 CFR 141.25(a)
9221 A	9221 A, 20th Edition (APHA 1998)	Total Coliforms	40 CFR 141.21(f)(3); 40 CFR 141.74(a)(1)
9221 B	9221 B, 20th Edition (APHA 1998)	Total Coliforms	40 CFR 141.21(f)(3); 40 CFR 141.74(a)(1)
9221 B.1, B.2	9221 B, 20th Edition (APHA 1998)	Total Coliforms	40 CFR 141.852(a)(5)
9221 C	9221 C, 20th Edition (APHA 1998)	Total Coliforms	40 CFR 141.74(a)(1)
9221 E	9221 E, 20th Edition (APHA 1998)	Fecal Coliforms	40 CFR 141.21(f)(5); 40 CFR 141.74(a)(1)
9221 F	9221 F, 20th Edition (APHA 1998)	E. coli	40 CFR 141.402(c)(2)
9221 F.1	9221 F, 20th Edition (APHA 1998)	E. coli	40 CFR 141.852(a)(5)
9222 D	9222 D, 20th Edition (APHA 1998)	Fecal Coliforms	40 CFR 141.74(a)(1)
9223 B	9223, 20th Edition (APHA 1998)	Total Coliforms	40 CFR 141.21(f)(3); 40 CFR 141.74(a)(1); 40 CFR 141.852(a)(5)
9223 B	9223 B, 20th Edition (APHA 1998)	E. coli	40 CFR 141.21(f)(6); 40 CFR 141.402(c)(2); 40 CFR 141.852(a)(5)
9215 B	9215 B, 20th Edition (APHA 1998)	Heterotrophic Bacteria	40 CFR 141.74(a)(1)

The 22nd edition can be obtained from the American Public Health Association (APHA), 800 I Street, NW., Washington, DC 20001–3710. Online versions of Standard Methods are available at *http://www.standardmethods.org.*

2. ASTM International. EPA compared the most recent versions of three ASTM International methods (ASTM Methods D516–11, D1067–11 B, and D1293–12) to the earlier versions of those methods that are currently approved in 40 CFR part 141. Changes between the earlier approved version and the most recent version of each method are summarized in Smith (2012). The revisions primarily involve editorial changes (e.g., updated references, definitions, terminology, and reorganization of text). The revised methods are the same as the approved versions with respect to sample collection and handling protocols, sample preparation, analytical methodology, and method performance data, and thus, EPA finds they are equally effective relative to the approved methods.

EPA is thus approving the use of the following ASTM methods for the contaminants and their respective regulations listed in the following table:

ASTM Revised version	Approved method	Contaminant	Regulation
D516–11 (ASTM 2011a)	D516–02 (ASTM 2002a)	Sulfate	40 CFR 143.4(b)
D1067–11 B (ASTM 2011b)	D1067–02 B (ASTM 2002b)	Alkalinity	40 CFR 141.23(k)(1)
D1293–12 (ASTM 2012)	D1293–99 (ASTM 1999)	pH	40 CFR 141.23(k)(1)

The ASTM methods are available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959 or *http://www.astm.org.*

C. Methods Developed by Vendors

1. Charm Sciences, Inc. Fast Phage (2012a) is a microbiological method for the detection of male-specific (F+) and somatic coliphages in ground water by a two-step enrichment procedure. Coliphages are detected as being present or absent in 100 mL samples of ground water by the formation of plaques on agar plates containing the host bacterium. Fast Phage includes a presumptive rapid fluorescence step that can predict coliphage positive samples in less than eight hours.

EPA Method 1601 (USEPA 2001b) is currently approved under the Ground Water Rule (GWR) at 40 CFR 141.402(c)(2) for the detection of coliphages in ground water source waters. Fast Phage is similar to EPA Method 1601 but has modifications to

the medium and incubation temperature, which make the method more rapid. Fast Phage is able to detect coliphages in 16 to 30 hours compared to 40 to 60 hours for EPA Method 1601. Additionally, Fast Phage includes kits, which supply the medium, antibiotics and freeze-dried host bacteria in a pre-packaged and standardized form for easier use.

A multi-laboratory study was conducted to compare the method performance of Fast Phage to the performance of the approved method, EPA Method 1601. Three geographically diverse wastewaters were used as sources of somatic and male-specific coliphages for the study. In four different laboratories, Fast Phage was compared side by side with EPA Method 1601 for somatic and male-specific coliphage detection in local ground waters that were inoculated with low level coliphages from each of the test wastewaters. Ten replicates of inoculated ground waters were evaluated for both Fast Phage and EPA Method 1601, and each test wastewater was evaluated as an inoculant. The study report (Charm Sciences Inc. 2012b) details the study design and implementation along with the validation data obtained from the multi-laboratory evaluation. The results of the multi-laboratory studies indicate that Fast Phage is equally as effective as EPA Method 1601 in method performance for detecting male-specific and somatic coliphages in ground water. The basis for this determination is discussed in Sinclair (2013). EPA is thus approving Fast Phage as an alternate method to EPA Method 1601 for the detection of male-specific and somatic coliphages in ground water under the Ground Water Rule.

The Fast Phage method is available from Charm Sciences, Inc., 659 Andover Street, Lawrence, MA 01843, and also at *www.charmsciences.com*.

IV. Statutory and Executive Order Reviews

As noted in Section II, under the terms of SDWA Section 1401(1), this streamlined method approval action is not a rule. Accordingly, the Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3). Similarly, this action is not subject to the Regulatory Flexibility Act because it is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute. In addition, because this approval action is not a rule but simply makes alternative testing methods available as options for monitoring under SDWA, EPA has concluded that other statutes and executive orders generally applicable to rulemaking do not apply to this approval action.

V. References

American Public Health Association (APHA). 1994. Standard Method 6251 B–94. Disinfection By-Products: Haloacetic Acids and Trichlorophenol. Micro Liquid-Liquid Extraction Gas Chromatographic Method. Approved by Standard Methods Committee 1994. Standard Methods Online. (Available at *http://www.standardmethods.org.*)

American Public Health Association (APHA). 1995. 19th *Edition of Standard Methods for the Examination of Water and Wastewater,* American Public Health Association, 800 I Street NW., Washington, DC 20001–3710.

American Public Health Association (APHA). 1997a. Standard Method 2150 B–97. Threshold Odor Test. Approved by Standard Methods Committee 1997. Standard Methods Online. (Available at *http://www.standardmethods.org.*)

American Public Health Association (APHA). 1997b. Standard Method 2320 B–97. Alkalinity. Titration Method. Approved by Standard Methods Committee 1997. Standard Methods Online. (Available at *http://www.standardmethods.org.*)

American Public Health Association (APHA). 1997c. Standard Method 2510 B–97. Conductivity. Laboratory Method. Approved by Standard Methods Committee 1997. Standard Methods Online. (Available at *http://www.standardmethods.org.*)

American Public Health Association (APHA). 1997d. Standard Method 2540 C–97. Total Dissolved Solids Dried at 180°C. Approved by Standard Methods Committee 1997. Standard Methods Online. (Available at *http://www.standardmethods.org.*)

American Public Health Association (APHA). 1997e. Standard Method 3114 B–97. Arsenic and Selenium by Hydride Generation/Atomic Absorption Spectrometry. Manual Hydride Generation/Atomic Absorption Spectrometric Method. Approved by Standard Methods Committee 1997. Standard Methods Online. (Available at *http://www.standardmethods.org.*)

American Public Health Association (APHA). 1997f. Standard Method 3500–Ca B–97. Calcium. EDTA Titrimetric Method. Approved by Standard Methods Committee 1997. Standard Methods Online. (Available at *http://www.standardmethods.org.*)

American Public Health Association (APHA). 1997g. Standard Method 3500–Mg B–97. Magnesium. Calculation Method. Approved by Standard Methods Committee 1997. Standard Methods Online. (Available at *http://www.standardmethods.org.*)

American Public Health Association (APHA). 1997h. Standard Method 4500–Cl–B,D–97. Chloride. B. Potentiometric Method. D. Potentiometric Method. Approved by Standard Methods Committee 1997. Standard Methods Online. (Available at *http://www.standardmethods.org.*)

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List of Subjects in 40 CFR Part 141

Environmental protection, Chemicals, Indians-lands, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

Dated: May 21, 2013.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

For the reasons stated in the preamble, 40 CFR Part 141 is amended as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

■ 1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

■ 2. Appendix A to Subpart C of Part 141 is amended as follows:

■ a. By revising the entire table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(3).''

■ b. By adding the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(5)'' after the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(3).''

■ c. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(6).''

■ d. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1).''

■ e. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.24(e)(1).''

■ f. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.25(a).''

■ g. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.74(a)(1).''

■ h. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.74(a)(2).''

■ i. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.131(b)(1).''

■ j. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.131(c)(1).''

■ k. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR PARAMETERS LISTED AT 40 CFR 141.131(d).''

■ l. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.402(c)(2).''

■ m. By adding the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.852(a)(5)'' after the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.704(b).''

■ n. By revising the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 143.4(b).''

■ o. By revising footnotes 19, 20, and 21.

■ p. By adding footnotes 24 through 30 to the table.

The additions and revisions read as follows:

Appendix A to Subpart C of Part 141—Alternative Testing Methods Approved for Analyses Under the Safe Drinking Water Act

* * * * *

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(3)

Organism	Methodology	SM 21st Edition [1]	SM 22nd Edition [28]	Other
Total Coliforms	Total Coliform Fermentation Technique	9221 A, B	9221 A, B	
	Total Coliform Membrane Filter Technique	9222 A, B, C		
	Presence-Absence (P–A) Coliform Test	9221 D		
	ONPG–MUG Test	9223	9223 B	
	Colitag™			Modified Colitag™ [13]

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(5)

Organism	Methodology	SM 22nd edition [28]
Fecal Coliforms	Fecal Coliform Procedure	9221 E.

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.21(f)(6)

Organism	Methodology	SM 20th Edition [6]	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	Other
E.coli	ONPG-MUG Test	9223 B	9223 B	9223 B	9223 B–97.	
	Colitag™					Modified Colitag.[13] ™

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1)

Contaminant	Methodology	EPA method	SM 21st edition [1]	SM 22nd edition [28]	SM online [3]	ASTM [4]	Other
Alkalinity	Titrimetric		2320 B	2320 B		D1067–06 B, 11 B	
Antimony	Hydride—Atomic Absorption					D 3697–07	
	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
Arsenic	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04	D 2972–08 C	
	Hydride Atomic Absorption		3114 B	3114 B	3114 B–09	D 2972–08 B	
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
Barium	Inductively Coupled Plasma		3120 B	3120 B			
	Atomic Absorption; Direct		3111 D	3111 D			
	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
Beryllium	Inductively Coupled Plasma		3120 B	3120 B			
	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04	D 3645–08 B	
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
Cadmium	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
Calcium	EDTA titrimetric		3500–Ca B	3500–Ca B		D 511–09 A	
	Atomic Absorption; Direct Aspiration		3111 B	3111 B		D 511–09 B	
	Inductively Coupled Plasma		3120 B	3120 B			
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
	Ion Chromatography					D 6919–09	
Chromium	Inductively Coupled Plasma		3120 B	3120 B			
	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
Copper	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04	D 1688–07 C	
	Atomic Absorption; Direct Aspiration		3111 B	3111 B		D 1688–07 A	
	Inductively Coupled Plasma		3120 B	3120 B			
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
Conductivity.	Conductance		2510 B	2510 B			

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1)—Continued

Contaminant	Methodology	EPA method	SM 21st edition [1]	SM 22nd edition [28]	SM online [3]	ASTM [4]	Other
Cyanide	Manual Distillation followed by					D 2036–06 A	
	Spectrophotometric, Amenable		4500–CN^- G.	4500–CN^- G.		D 2036–06 B	
	Spectrophotometric Manual		4500–CN^- E.	4500–CN^- E.		D2036–06 A	
	Selective Electrode		4500–CN^- F.	4500–CN^- F.			
	Headspace Gas Chromatography/Mass Spectrometry.						ME355.01 [7]
Fluoride	Ion Chromatography		4110 B	4110 B			
	Manual Distillation; Colorimetric SPADNS		4500–F^- B, D.	4500–F^- B, D.			
	Manual Electrode		4500–F^- C.	4500–F^- C.		D 1179–04, 10 B	
	Automated Alizarin		4500–F^- E.	4500–F^- E.			
	Arsenite-Free Colorimetric SPADNS						Hach SPADNS 2 Method 10225.[22]
Lead	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04	D 3559–08 D	
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
Magnesium.	Atomic Absorption		3111 B	3111 B		D 511–09 B	
	Inductively Coupled Plasma		3120 B	3120 B			
	Complexation Titrimetric Methods		3500–Mg B.	3500–Mg B.		D 511–09 A	
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
	Ion Chromatography					D 6919–09	
Mercury	Manual, Cold Vapor		3112 B	3112 B	3112 B–09		
Nickel	Inductively Coupled Plasma		3120 B	3120 B			
	Atomic Absorption; Direct		3111 B	3111 B			
	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04		
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
Nitrate	Ion Chromatography		4110 B	4110 B			
	Automated Cadmium Reduction		4500–NO_3^- F.	4500–NO_3^- F.			
	Manual Cadmium Reduction		4500–NO_3^- E.	4500–NO_3^- E.			
	Ion Selective Electrode		4500–NO_3^- D.	4500–NO_3^- D.			
	Reduction/Colorimetric						Systea Easy (1-Reagent).[8]
	Colorimetric; Direct						Hach TNTplus™ 835/836 Method 10206.[23]
Nitrite	Ion Chromatography		4110 B	4110 B			
	Automated Cadmium Reduction		4500–NO_3^- F.	4500–NO_3^- F.			
	Manual Cadmium Reduction		4500–NO_3^- E.	4500–NO_3^- E.			
	Spectrophotometric		4500–NO_2^- B.	4500–NO_2^- B.			
	Reduction/Colorimetric						Systea Easy (1-Reagent).[8]
Orthophosphate.	Ion Chromatography		4110 B	4110 B			
	Colorimetric, ascorbic acid, single reagent.		4500–P E	4500–P E	4500–P E–99		
	Colorimetric, Automated, Ascorbic Acid		4500–P F	4500–P F	4500–P F–99		

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1)—Continued

Contaminant	Methodology	EPA method	SM 21st edition [1]	SM 22nd edition [28]	SM online [3]	ASTM [4]	Other
pH	Electrometric		4500–H^+ B.	4500–H^+ B.		D 1293–12	
Selenium	Hydride-Atomic Absorption		3114 B	3114 B	3114 B–09	D 3859–08 A	
	Atomic Absorption; Furnace		3113 B	3113 B	3113 B–04	D 3859–08 B	
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
Silica	Colorimetric					D859–05, 10	
	Molybdosilicate		4500-SiO_2 C.	4500-SiO_2 C.			
	Heteropoly blue		4500–SiO_2 D.	4500–SiO_2 D.			
	Automated for Molybdate-reactive Silica		4500–SiO_2 E.	4500–SiO_2 E.			
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
	Inductively Coupled Plasma		3120 B	3120 B			
Sodium	Atomic Absorption; Direct Aspiration		3111 B	3111 B			
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]					
	Ion Chromatography					D 6919–09	
Temperature.	Thermometric		2550	2550			

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.24(e)(1)

Contaminant	Methodology	EPA method	SM 21st edition [1]	SM 22nd edition [28]	SM online [3]
Benzene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
Carbon tetrachloride	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
Chlorobenzene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
1,2-Dichlorobenzene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
1,4-Dichlorobenzene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
1,2-Dichloroethane	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
cis-Dichloroethylene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
trans-Dichloroethylene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
Dichloromethane	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
1,2-Dichloropropane	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
Ethylbenzene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
Styrene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
Tetrachloroethylene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
1,1,1-Trichloroethane	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
Trichloroethylene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
Toluene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
1,2,4-Trichlorobenzene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
1,1-Dichloroethylene	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.24(e)(1)—Continued

Contaminant	Methodology	EPA method	SM 21st edition [1]	SM 22nd edition [28]	SM online [3]
1,1,2-Trichlorethane	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
Vinyl chloride	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
Xylenes (total)	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			
2,4–D	Gas Chromatography/Electron Capture Detection (GC/ECD).		6640 B	6640 B	6640 B–01.
2,4,5–TP (Silvex)	Gas Chromatography/Electron Capture Detection (GC/ECD).		6640 B	6640 B	6640 B–01.
Alachlor	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Atrazine	Liquid Chromatography Electrospray Ionization Tandem Mass Spectrometry (LC/ESI–MS/MS).	536 [25]			
	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3, [24] 523 [26]			
Benzo(a)pyrene	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Carbofuran	High-performance liquid chromatography (HPLC) with post-column derivatization and fluorescence detection.		6610 B	6610 B	6610 B–04.
Chlordane	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Dalapon	Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS).	557 [14]			
	Gas Chromatography/Electron Capture Detection (GC/ECD).		6640 B	6640 B	6640 B–01.
Di(2-ethylhexyl)adipate	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Di(2-ethylhexyl)phthalate	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Dibromochloropropane (DBCP).	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3 [9]			
Dinoseb	Gas Chromatography/Electron Capture Detection (GC/ECD).		6640 B	6640 B	6640 B–01.
Endrin	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Ethyl dibromide (EDB)	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3 [9]			
Glyphosate	High-Performance Liquid Chromatography (HPLC) with Post-Column Derivatization and Fluorescence Detection.		6651 B	6651 B	6651 B–00.
Heptachlor	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Heptachlor Epoxide	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Hexachlorobenzene	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Hexachlorocyclo-pentadiene	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Lindane	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Methoxychlor	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Oxamyl	High-performance liquid chromatography (HPLC) with post-column derivatization and fluorescence detection.		6610 B	6610 B	6610 B–04.
PCBs (as Aroclors)	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Pentachlorophenol	Gas Chromatography/Electron Capture Detection (GC/ECD).		6640 B	6640 B	6640 B–01.
	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Picloram	Gas Chromatography/Electron Capture Detection (GC/ECD).		6640 B	6640 B	6640 B–01.
Simazine	Liquid Chromatography Electrospray Ionization Tandem Mass Spectrometry (LC/ESI–MS/MS).	536 [25]			

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.24(e)(1)—Continued

Contaminant	Methodology	EPA method	SM 21st edition [1]	SM 22nd edition [28]	SM online [3]
	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3,[24] 523 [26]			
Toxaphene	Solid Phase Extraction/Gas Chromatography/Mass Spectrometry (GC/MS).	525.3 [24]			
Total Trihalomethanes	Purge & trap/Gas Chromatography/Mass Spectrometry.	524.3,[9] 524.4 [29]			

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.25(A)

Contaminant	Methodology	SM 21st Edition [1]	SM 22nd Edition [28]	ASTM [4]
Naturally Occurring:				
Gross alpha and beta	Evaporation	7110 B	7110 B	
Gross alpha	Coprecipitation	7110 C	7110 C	
Radium 226	Radon emanation	7500-Ra C	7500-Ra C	D3454–05
	Radiochemical	7500-Ra B	7500-Ra B	D2460–07
Radium 228	Radiochemical	7500-Ra D	7500-Ra D	
Uranium	Radiochemical	7500–U B	7500–U B	
	ICP–MS	3125		D5673–05, 10
	Alpha spectrometry	7500–U C	7500–U C	D3972–09
	Laser Phosphorimetry			D5174–07
	Alpha Liquid Scintillation Spectrometry.			D6239–09
Man-Made:				
Radioactive Cesium	Radiochemical	7500-Cs B	7500-Cs B	
	Gamma Ray Spectrometry	7120	7120	D3649–06
Radioactive Iodine	Radiochemical	7500–I B	7500–I B	D3649–06
		7500–I C	7500–I C	
		7500–I D	7500–I D	
	Gamma Ray Spectrometry	7120	7120	D4785–08
Radioactive Strontium 89, 90	Radiochemical	7500-Sr B	7500-Sr B	
Tritium	Liquid Scintillation	7500-^{3}H B	7500-^{3}H B	D4107–08
Gamma Emitters	Gamma Ray Spectrometry	7120	7120	D3649–06
		7500-Cs B	7500-Cs B	D4785–08
		7500–I B	7500–I B	

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.74(A)(1)

Organism	Methodology	SM 21st edition [1]	SM 22nd edition [28]	Other
Total Coliform	Total Coliform Fermentation Technique.	9221 A, B, C	9221 A, B, C.	
	Total Coliform Membrane Filter Technique.	9222 A, B, C.		
	ONPG–MUG Test	9223	9223 B.	
Fecal Coliforms	Fecal Coliform Procedure	9221 E	9221 E.	
	Fecal Coliform Filter Procedure.	9222 D	9222 D.	
Heterotrophic bacteria	Pour Plate Method	9215 B	9215 B.	
Turbidity	Nephelometric Method	2130 B	2130 B.	
	Laser Nephelometry (on-line)			Mitchell M5271 [10]
	LED Nephelometry (on-line)			Mitchell M5331 [11]
	LED Nephelometry (on-line)			AMI Turbiwell [15]
	LED Nephelometry (portable)			Orion AQ4500 [12]

ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.74(A)(2)

Residual	Methodology	SM 21st edition [1]	SM 22nd edition [28]	ASTM [4]	Other
Free Chlorine	Amperometric Titration	4500–Cl D	4500–Cl D	D 1253–08	
	DPD Ferrous Titrimetric	4500–Cl F	4500–Cl F		
	DPD Colorimetric	4500–Cl G	4500–Cl G		
	Syringaldazine (FACTS)	4500–Cl H	4500–Cl H		
	On-line Chlorine Analyzer				EPA 334.0 [16]
	Amperometric Sensor				ChloroSense [17]
Total Chlorine	Amperometric Titration	4500–Cl D	4500–Cl D	D 1253–08	
	Amperometric Titration (Low level measurement).	4500–Cl E	4500–Cl E		

ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.74(A)(2)—Continued

Residual	Methodology	SM 21st edition [1]	SM 22nd edition [28]	ASTM [4]	Other
	DPD Ferrous Titrimetric	4500–Cl F	4500–Cl F		
	DPD Colorimetric	4500–Cl G	4500–Cl G		
	Iodometric Electrode	4500–Cl I	4500–Cl I		
	On-line Chlorine Analyzer				EPA 334.0 [16]
	Amperometric Sensor				ChloroSense [17]
Chlorine Dioxide	Amperometric Titration	4500–ClO_2 C	4500–ClO_2 C		
	Amperometric Titration	4500–ClO_2 E	4500–ClO_2 E		
Ozone	Indigo Method	4500–O_3 B	4500–O_3 B		

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.131(B)(1)

Contaminant	Methodology	EPA method	ASTM [4]	SM 21st edition [1]	SM 22nd edition [28]
TTHM	P&T/GC/MS	524.3,[9] 524.4 [29].			
HAA5	LLE (diazomethane)/GC/ECD			6251 B	6251 B
	Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS).	557 [14]			
Bromate	Two-Dimensional Ion Chromatography (IC).	302.0 [18].			
	Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS).	557 [14].			
	Chemically Suppressed Ion Chromatography.		D 6581–08 A.		
	Electrolytically Suppressed Ion Chromatography.		D 6581–08 B.		
Chlorite	Chemically Suppressed Ion Chromatography.		D 6581–08 A.		
	Electrolytically Suppressed Ion Chromatography.		D 6581–08 B.		
Chlorite—daily monitoring as prescribed in 40 CFR 141.132(b)(2)(i)(A).					
Amperometric Titration			4500–ClO_2 E	4500–ClO_2 E.	

ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.131(C)(1)

Residual	Methodology	SM 21st edition [1]	SM 22nd edition [28]	ASTM [4]	Other
Free Chlorine	Amperometric Titration	4500–Cl D	4500–Cl D	D 1253–08.	
	DPD Ferrous Titrimetric	4500–Cl F	4500–Cl F.		
	DPD Colorimetric	4500–Cl G	4500–Cl G.		
	Syringaldazine (FACTS)	4500–Cl H	4500–Cl H.		
	Amperometric Sensor				ChloroSense [17]
	On-line Chlorine Analyzer				EPA 334.0 [16]
Combined Chlorine	Amperometric Titration	4500–Cl D	4500–Cl D	D 1253–08.	
	DPD Ferrous Titrimetric	4500–Cl F	4500–Cl F.		
	DPD Colorimetric	4500–Cl G	4500–Cl G.		
Total Chlorine	Amperometric Titration	4500–Cl D	4500–Cl D	D 1253–08.	
	Low level Amperometric Titration	4500–Cl E	4500–Cl E.		
	DPD Ferrous Titrimetric	4500–Cl F	4500–Cl F.		
	DPD Colorimetric	4500–Cl G	4500–Cl G.		
	Iodometric Electrode	4500–Cl I	4500–Cl I.		
	Amperometric Sensor				ChloroSense [17]
	On-line Chlorine Analyzer				EPA 334.0 [16]
Chlorine Dioxide	Amperometric Method II	4500–ClO_2 E	4500–ClO_2 E.		

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ALTERNATIVE TESTING METHODS FOR PARAMETERS LISTED AT 40 CFR 141.131(D)

Parameter	Methodology	SM 21st edition [1]	SM 22nd edition [28]	EPA
Total Organic Carbon (TOC)	High Temperature Combustion	5310 B	5310 B	415.3, Rev 1.2 [19]
	Persulfate-Ultraviolet or Heated Persulfate Oxidation.	5310 C	5310 C	415.3, Rev 1.2 [19]
	Wet Oxidation	5310 D	5310 D	415.3, Rev 1.2 [19]
Specific Ultraviolet Absorbance (SUVA)	Calculation using DOC and UV_{254} data			415.3, Rev 1.2 [19]
Dissolved Organic Carbon (DOC)	High Temperature Combustion	5310 B	5310 B	415.3, Rev 1.2 [19]
	Persulfate-Ultraviolet or Heated Persulfate Oxidation.	5310 C	5310 C	415.3, Rev 1.2 [19]
	Wet Oxidation	5310 D	5310 D	415.3, Rev 1.2 [19]
Ultraviolet absorption at 254 nm (UV_{254}).	Spectrophotometry	5910 B	5910 B	415.3, Rev 1.2 [19]

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ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.402(c)(2)

Organism	Methodology	SM 20th edition [6]	SM 21st edition [1]	SM 22nd edition [28]	SM online [3]	Other
E. coli	Colilert®		9223 B	9223 B	9223 B–97	
	Colisure®		9223 B	9223 B	9223 B–97	
	Colilert-18	9223 B	9223 B	9223 B	9223 B–97	
	Readycult®					Readycult® [20]
	Colitag					Modified Colitag™ [13]
	Chromocult®					Chromocult® [21]
	EC–MUG			9221 F.		
Enterococci	Multiple-Tube Technique				9230 B–04.	
Coliphage	Two-Step Enrichment Presence-Absence Procedure.					Fast Phage [30]

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ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.852(a)(5)

Organism	Methodology category	Method	SM 22nd edition [28]
Total Coliforms	Lactose Fermentation Methods	Standard Total Coliform Fermentation Technique.	9221 B.1, B.2
	Enzyme Substrate Methods	Colilert®	9223 B
		Colisure®	9223 B
Escherichia coli	*Escherichia coli* Procedure (following Lactose Fermentation Methods).	EC–MUG medium	9221 F.1
	Enzyme Substrate Methods	Colilert®	9223 B
		Colisure®	9223 B

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 143.4(B)

Contaminant	Methodology	EPA method	ASTM [4]	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]
Aluminum	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2. [2]				
	Atomic Absorption; Direct.			3111 D	3111 D	
	Atomic Absorption; Furnace.			3113 B	3113 B	3113 B–04
	Inductively Coupled Plasma.			3120 B	3120 B	

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 143.4(B)—Continued

Contaminant	Methodology	EPA method	ASTM [4]	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]
Chloride	Silver Nitrate Titration		D 512–04 B	4500–Cl^- B	4500–Cl^- B	
	Ion Chromatography			4110 B	4110 B	
	Potentiometric Titration.			4500–Cl^- D	4500–Cl^- D	
Color	Visual Comparison			2120 B	2120 B	
Foaming Agents	Methylene Blue Active Substances (MBAS).			5540 C	5540 C	
Iron	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2.[2]				
	Atomic Absorption; Direct.			3111 B	3111 B	
	Atomic Absorption; Furnace.			3113 B	3113 B	3113 B–04.
Inductively Coupled Plasma.			3120 B	3120 B	.	
Manganese	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2.[2]				
	Atomic Absorption; Direct.			3111 B	3111 B	
	Atomic Absorption; Furnace.			3113 B	3113 B	3113 B–04.
	Inductively Coupled Plasma.			3120 B	3120 B	
Odor	Threshold Odor Test			2150 B	2150 B	
Silver	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2 [2]				
	Atomic Absorption; Direct.			3111 B	3111 B	
	Atomic Absorption; Furnace.			3113 B	3113 B	3113 B–04.
	Inductively Coupled Plasma.			3120 B	3120 B	
Sulfate	Ion Chromatography			4110 B	4110 B	
	Gravimetric with ignition of residue.			4500–SO_4^{2-} C	4500–SO_4^{2-} C	4500–SO_4^{2-} C–97.
	Gravimetric with drying of residue.			4500–SO_4^{2-} D	4500–SO_4^{2-} D	4500–SO_4^{2-} D–97.
	Turbidimetric method		D 516–07, 11	4500–SO_4^{2-} E	4500–SO_4^{2-} E	4500–SO_4^{2-} E–97.
	Automated methylthymol blue method.			4500–SO_4^{2-} F	4500–SO_4^{2-} F	4500–SO_4^{2-} F–97.
Total Dissolved Solids.	Total Dissolved Solids Dried at 180 deg C.			2540 C	2540 C	
Zinc	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2.[2]				
	Atomic Absorption; Direct Aspiration.			3111 B	3111 B	
	Inductively Coupled Plasma.			3120 B	3120 B	

[1] *Standard Methods for the Examination of Water and Wastewater,* 21st edition (2005). Available from American Public Health Association, 800 I Street NW., Washington, DC 20001–3710.

[2] EPA Method 200.5, Revision 4.2. ''Determination of Trace Elements in Drinking Water by Axially Viewed Inductively Coupled Plasma-Atomic Emission Spectrometry.'' 2003. EPA/600/R–06/115. (Available at *http://www.epa.gov/nerlcwww/ordmeth.htm.*)

[3] Standard Methods Online are available at *http://www.standardmethods.org.* The year in which each method was approved by the Standard Methods Committee is designated by the last two digits in the method number. The methods listed are the only online versions that may be used.

[4] Available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA

19428–2959 or *http://astm.org.* The methods listed are the only alternative versions that may be used.

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[6] *Standard Methods for the Examination of Water and Wastewater,* 20th edition (1998). Available from American Public Health Association, 800 I Street NW., Washington, DC 20001–3710.

[7] Method ME355.01, Revision 1.0. ''Determination of Cyanide in Drinking Water by GC/MS Headspace,'' May 26, 2009. Available at *https://www.nemi.gov* or from James Eaton, H & E Testing Laboratory, 221 State Street, Augusta, ME 04333. (207) 287–2727.

[8] Systea Easy (1-Reagent). ''Systea Easy (1-Reagent) Nitrate Method,'' February 4, 2009. Available at *https://www.nemi.gov* or from Systea Scientific, LLC., 900 Jorie Blvd., Suite 35, Oak Brook, IL 60523.

[9] EPA Method 524.3, Version 1.0. ''Measurement of Purgeable Organic Compounds in Water by Capillary Column Gas Chromatography/Mass Spectrometry,'' June 2009. EPA 815–B–09–009. Available at *http://water.epa.gov/drink/.*

[10] Mitchell Method M5271, Revision 1.1. ''Determination of Turbidity by Laser Nephelometry,'' March 5, 2009. Available at *https://www.nemi.gov* or from Leck Mitchell, Ph.D., PE, 656 Independence Valley Dr., Grand Junction, CO 81507.

[11] Mitchell Method M5331, Revision 1.1. ''Determination of Turbidity by LED Nephelometry,'' March 5, 2009. Available at *https://www.nemi.gov* or from Leck Mitchell, Ph.D., PE, 656 Independence Valley Dr., Grand Junction, CO 81507.

[12] Orion Method AQ4500, Revision 1.0. ''Determination of Turbidity by LED Nephelometry,'' May 8, 2009. Available at *https://www.nemi.gov* or from Thermo Scientific, 166 Cummings Center, Beverly, MA 01915, *http://www.thermo.com.*

[13] Modified Colitag™ Method. ''Modified Colitag™ Test Method for the Simultaneous Detection of *E. coli* and other Total Coliforms in Water (ATP D05–0035),'' August 28, 2009. Available at *https://www.nemi.gov* or from CPI International, 5580 Skylane Boulevard, Santa Rosa, CA 95403.

[14] EPA Method 557. ''Determination of Haloacetic Acids, Bromate, and Dalapon in Drinking Water by Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS),'' September 2009. EPA 815–B–09–012. Available at *http://water.epa.gov/drink/.*

[15] AMI Turbiwell, ''Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter,'' August 2009. Available at *https://www.nemi.gov* or from Markus Bernasconi, SWAN Analytische Instrumente AG, Studbachstrasse 13, CH–8340 Hinwil, Switzerland.

[16] EPA Method 334.0. ''Determination of Residual Chlorine in Drinking Water Using an On-line Chlorine Analyzer,'' September 2009. EPA 815–B–09–013. Available at *http://water.epa.gov/drink/.*

[17] ChloroSense. ''Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense,'' August 2009. Available at *https://www.nemi.gov* or from Palintest Ltd, 21 Kenton Lands Road, PO Box 18395, Erlanger, KY 41018.

[18] EPA Method 302.0. ''Determination of Bromate in Drinking Water using Two-Dimensional Ion Chromatography with Suppressed Conductivity Detection,'' September 2009. EPA 815–B–09–014. Available at *http://water.epa.gov/drink/.*

[19] EPA 415.3, Revision 1.2. ''Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water,'' September 2009. EPA/600/R–09/122. Available at *http://www.epa.gov/nerlcwww/ordmeth.htm.*

[20] Readycult® Method, ''Readycult® Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters,'' January, 2007. Version 1.1. Available from EMD Millipore (division of Merck KGaA, Darmstadt, Germany), 290 Concord Road, Billerica, MA 01821.

[21] Chromocult® Method, ''Chromocult® Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters,'' November, 2000. Version 1.0. EMD Millipore (division of Merck KGaA, Darmstadt, Germany), 290 Concord Road, Billerica, MA 01821.

[22] Hach Company. ''Hach Company SPADNS 2 (Arsenite-Free) Fluoride Method 10225—Spectrophotometric Measurement of Fluoride in Water and Wastewater,'' January 2011. 5600 Lindbergh Drive, P.O. Box 389, Loveland, Colorado 80539. (Available at *http://www.hach.com.*)

[23] Hach Company. ''Hach Company TNTplus™ 835/836 Nitrate Method 10206—Measurement of Nitrate in Water and Wastewater,'' January 2011. 5600 Lindbergh Drive, P.O. Box 389, Loveland, Colorado. (Available at *http://www.hach.com.*)

[24] EPA Method 525.3. ''Determination of Semivolatile Organic Chemicals in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS),'' February 2012. EPA/600/R–12/010. Available at *http://www.epa.gov/nerlcwww/ordmeth.htm.*

[25] EPA Method 536. ''Determination of Triazine Pesticides and their Degradates in Drinking Water by Liquid Chromatography Electrospray Ionization Tandem Mass Spectrometry (LC/ESI–MS/MS),'' October 2007. EPA 815–B–07–002. Available at *http://water.epa.gov/drink.*

[26] EPA Method 523. ''Determination of Triazine Pesticides and their Degradates in Drinking Water by Gas Chromatography/Mass Spectrometry (GC/MS),'' February 2011. EPA 815–R–11–002. Available at *http://water.epa.gov/drink.*

[27] EPA Method 1623.1. ''*Cryptosporidium* and *Giardia* in Water by Filtration/IMS/FA,'' 2012. EPA–816–R–12–001. (Available at *http://water.epa.gov/drink.*)

[28] *Standard Methods for the Examination of Water and Wastewater,* 22nd edition (2012). Available from American Public Health Association, 800 I Street NW., Washington, DC 20001–3710.

[29] EPA Method 524.4, Version 1.0. ''Measurement of Purgeable Organic Compounds in Water by Gas Chromatography/Mass Spectrometry using Nitrogen Purge Gas,'' May 2013. EPA 815–R–13–002. Available at *http://water.epa.gov/drink.*

[30] Charm Sciences Inc. ''Fast Phage Test Procedure. Presence/Absence for Coliphage in Ground Water with Same Day Positive Prediction''. Version 009. November 2012. 659 Andover Street, Lawrence, MA 01843. Available at *www.charmsciences.com.*

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0283; FRL–9387–4]

Azoxystrobin; Pesticide Tolerance; Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Technical Correction.

SUMMARY: EPA issued a final rule in the **Federal Register** of April 24, 2013, establishing new and modifying existing tolerances for residues of azoxystrobin. EPA inadvertently omitted the revised tolerance for wheat, forage to the table in the regulatory text. This document corrects that omission.

DATES: This technical correction is effective May 31, 2013.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0283, 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.*

FOR FURTHER INFORMATION CONTACT: Erin Malone, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460–0001; telephone number: (703) 347–0253; email address: *malone.erin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

The Agency included in the April 24, 2013 final rule a list of those who may be potentially affected by this action.

II. What does this technical correction do?

EPA issued a final rule in the **Federal Register** of April 24, 2013 (78 FR 24094) (FRL–9384–2), establishing new and modifying existing tolerances for residues of the fungicide azoxystrobin in or on various commodities. EPA inadvertently omitted the revised tolerance for wheat, forage in the table in § 180.507(a)(1) of the regulatory text. As indicated in the preamble to that final rule (on page 24099, first column, third full paragraph), EPA intended to revise, as part of the final rule, a tolerance for wheat, forage at 15.0 parts per million (ppm). This technical correction completes the action EPA intended to take in the final rule of April 24, 2013, by revising the existing tolerance for wheat, forage from 25 ppm to 15.0 ppm.

III. Why is this correction issued as a final rule?

Section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment, because this action merely corrects an omission. The preamble stated the Agency's intent to revise the tolerance level for azoxystrobin in or on wheat, forage. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

IV. Do any of the statutory and executive order reviews apply to this action?

No. For a detailed discussion concerning the statutory and executive order review, refer to Unit VI. of the April 24, 2013 final rule.

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 21, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is corrected as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321 (q), 346a and 371.

■ 2. In § 180.507, revise the commodity ''Wheat, forage'' in the table in paragraph (a)(1) to read as follows:

§ 180.507 Azoxystrobin; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Wheat, forage	15.0
* * * * *	

[FR Doc. 2013–12750 Filed 5–30–13; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register

Vol. 78, No. 105

Friday, May 31, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

Proposed Airworthiness Design Standards; AQUILA Aviation by Excellence GmbH, Model AT01

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments.

SUMMARY: This notice announces the issuance of the design criteria for Night visual flight rules (VFR) expansion and substantiation for the Aquila GmbH AT01. These additional provisions are expansions of the existing JAR–VLA (Joint Aviation Requirements—Very Light Aircraft) and CS–VLA regulations to include Night VFR. The current regulations only allow Day VFR, but the European Aviation Safety Agency (EASA) is expanding the VLA regulations for this type of airplane through EASA special conditions. These FAA design criteria are being proposed to be the same as the EASA Special Conditions.

DATES: Comments must be received on or before July 1, 2013.

ADDRESSES: Send all comments to the Federal Aviation Administration (FAA), Standards Office, Small Airplane Directorate (ACE–111), Aircraft Certification Service, 901 Locust Street, Room 301, Kansas City, MO 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Rudolph, Aerospace Engineer, Standards Office (ACE–112), Small Airplane Directorate, Aircraft Certification Service, FAA; telephone number (816) 329–4059, fax number (816) 329–4090, email at *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this information by contacting the person named above under **FOR FURTHER INFORMATION CONTACT**.

Background

The original certification of the aircraft was done under the provisions of 14 CFR part 21, § 21.29, as a 14 CFR part 21, § 21.17(b), special class aircraft, JAR–VLA, using the requirements of JAR–VLA Amendment VLA/92/01 as developed by the Joint Aviation Authority, and under Title 14 of the Code of Federal Regulations and two additional design criteria issued on September 2, 2003 (68 FR 56809) The regulation applicable to the Amended Type Certificate (TC) Night-VFR approval is § 21.17(b). This section describes the regulatory basis for the approval of JAR–VLA and CS–VLA aircraft as a special class. Policy on this subject includes AC 23–11B and AC 21.17–3.

Airworthiness rules that are applicable to this Night-VFR approval are §§ 23.1381 through 23.1397 and 23.1401.

FAA policy expressed in ACs 23–11B and 21.17–3 limits JAR–VLA and CS–VLA aircraft approved under § 21.17(b), to Day-VFR operations. Part 23 certification was required for Night-VFR approval because the VLA rules were not adequate to address Night-VFR operations. Since publishing these advisory circulars, EASA has developed special conditions to CS–VLA that are adequate to allow Night-VFR approvals. If the applicant complies with the applicable airworthiness rules in CS–VLA and the EASA special conditions, the previous policy disallowing Night-VFR is no longer valid.

Airplanes approved as special class under § 21.17(b) may be type certificated as both Day-VFR and Night-VFR if the certification includes the required instrumentation and equipment specified in 14 CFR 91.205, and the certification basis includes the applicable rules of CS–VLA at date of application and the appropriate EASA special conditions.

The FAA has concluded that it is acceptable to allow Night-VFR certification for the Aquila Model AT01 under the special class amended TC project AT00617CE–A, and has issued a project specific memorandum allowing this for the AT01 Model airplane. Revisions to ACs 23–11B and 21.17–3 will be made to make this project specific policy a general policy.

To satisfy the additional required provisions of ''Proposed Airworthiness Design Standards for Acceptance Under the Primary Category Rule of Night Visual Flight Rules (VFR) Under the Special Class (JAR–VLA) Regulations of 14 CFR 21.17(b); AQUILA Aviation by Excellence GmbH, Model AT01'', the applicant, AQUILA, has submitted a request to the FAA to use the EASA Special Conditions as shown on EASA Certification Review Item (CRI) A–01 Issue 3, Appendix 1, dated October 3, 2010 ''EASA Special Condition Airworthiness standards for CS–VLA aeroplane to be operated under night-VFR operations. Applicable to AQUILA AT01'' as follows:

Appendix 1

Special Condition

Airworthiness Standards for CS–VLA Aeroplane To Be Operated Under Night-VFR Operations

Applicable to AQUILA AT01

Instead of VLA 1, VLA 181, VLA 773, VLA 807, VLA 903, VLA 905, VLA 1121, VLA 1143, VLA 1147, VLA 1322, VLA 1325, VLA 1331, VLA 1351, VLA 1353, VLA 1431, VLA 1547, VLA 1559, VLA 1583 and due to absence of specific requirements in CS–VLA (*VLA 1107, VLA 1381, VLA 1383*) the following proposed Special Conditions have to be complied with:

SpC VLA 1 Applicability

This airworthiness code is applicable to aeroplanes with a single engine (spark- or compression-ignition) having not more than two seats, with a Maximum Certificated Take-off Weight of not more than 750 kg and a stalling speed in the landing configuration of not more than 83 km/h (45 knots) (CAS), to be approved for day-VFR or for day- and night-VFR. (See AMC VLA 1.)

SpC VLA 181 Dynamic Stability

(a) Any short period oscillation not including combined lateral-directional oscillations occurring between the stalling speed and the maximum allowable speed appropriate to the configuration of the aeroplane must be 'heavily damped with the primary controls—

(1) Free; and

(2) In a fixed position

(b) Any combined lateral-directional oscillations ('Dutch roll') occurring between the stalling speed and the maximum allowable speed appropriate to the configuration of the aeroplane must be damped to 1/10 amplitude in 7 cycles with the primary controls—

(1) Free; and paragraph must be shown under the following

(2) In a fixed position.

(c) Any long period oscillation of the flight path (phugoid) must not be so unstable as to cause an unacceptable increase in pilot

workload or otherwise endanger the aeroplane. When in the conditions of CS VLA 175, the longitudinal control force required to maintain speeds differing from the trimmed speed by at least plus or minus 15% is suddenly released, the response of the aeroplane must not exhibit any dangerous characteristics nor be excessive in relation to the magnitude of the control force released (see AMC VLA 181 (c)).

SpC VLA 773 Pilot compartment view

The pilot compartment must be free from glare and reflections that could interfere with the pilot's vision in all operations for which the certification is requested. The pilot compartment must be designed so that—

(a) The pilot's view is sufficiently extensive, clear, and undistorted, for safe operation;

(b) The pilot is protected from the elements so that moderate rain conditions do not unduly impair his view of the flight path in normal flight and while landing; and

(c) Internal fogging of the windows covered under sub-paragraph (a) of this paragraph can be easily cleared by the pilot unless means are provided to prevent fogging. (See AMC VLA 773.)

SpC VLA 807 Emergency Exits

(a) Where exits are provided to achieve compliance with CS–VLA 783 (a), the opening system must be designed for simple and easy operation. It must function rapidly and be designed so that it can be operated by each occupant strapped in his seat, and also from outside the cockpit. Reasonable provisions must be provided to prevent jamming by fuselage deformation.

(b) Markings must be suitable for night VFR, if this kind of operation is requested. (See AMC VLA 807 (b))

SpC VLA 903 Engine

(a) The engine must meet the specifications of CS–22 Subpart H for day-VFR operation, and must meet the Specification of CS–E for night-VFR operation.

(b) Restart capability. An altitude and airspeed envelope must be established for the aeroplane for in-flight engine restarting and the installed engine must have a restart capability within that envelope.

SpC VLA 905 Propeller

(a) The propeller must meet the specifications of CS–22 Subpart J for day-VFR operation. For night-VFR operations the Propeller and the Control System must meet the Specification of CS–P except for fixed pitch propellers, for which CS–22 Subpart J is sufficient.

(b) Engine power and propeller shaft rotational speed may not exceed the limits for which the propeller is certificated or approved.

SpC VLA 1107 Induction System Filters

On reciprocating-engine installations, if an air filter is used to protect the engine against foreign material particles in the induction air supply—

(a) Each air filter must be capable of withstanding the effects of temperature extremes, rain, fuel, oil, and solvents to which it is expected to be exposed in service and maintenance; and

(b) Each air filter must have a design feature to prevent material separated from the filter media from re-entering the induction system and interfering with proper fuel metering operation.

SpC VLA 1121 Exhaust System: General

(a) Each exhaust system must ensure safe disposal of exhaust gases without fire hazard or carbon monoxide contamination in the personnel compartment.

(b) Each exhaust system part with a surface hot enough to ignite flammable fluids or vapours must be located or shielded so that leakage from any system carrying flammable fluids or vapours will not result in a fire caused by impingement of the fluids or vapours on any part of the exhaust system including shields for the exhaust system.

(c) Each exhaust system component must be separated by fireproof shields from adjacent flammable parts of the aeroplane that are outside the engine compartment.

(d) No exhaust gases may discharge dangerously near any fuel or oil system drain.

(e) No exhaust gases may be discharged where they will cause a glare seriously affecting the pilot's vision at night.

(f) Each exhaust system component must be ventilated to prevent points of excessively high temperature.

(g) Each exhaust heat exchanger must incorporate means to prevent blockage of the exhaust port after any internal heat exchanger failure.

SpC VLA 1143 Engine Controls

(a) The power or supercharger control must give a positive and immediate responsive means of controlling its engine or supercharger.

(b) If a power control incorporates a fuel shut-off feature, the control must have a means to prevent the inadvertent movement of the control into the shut-off position. The means must—

(1) Have a positive lock or stop at the idle position; and

(2) Require a separate and distinct operation to place the control in the shut-off position.

(c) For reciprocating single-engine aeroplanes, each power or thrust control must be designed so that if the control separates at the engine fuel metering device, the aeroplane is capable of continuing safe flight and landing. (See AMC VLA 1143(c)).

SpC VLA 1147 Mixture Control

(a) The Control must require a separate and distinct operation to move the control toward lean or shut-off position.

(b) Each manual engine mixture control must be designed so that, if the control separates at the engine fuel metering device, the aeroplane is capable of continuing safe flight and landing. (See AMC VLA 1147(b)).

SpC VLA 1322 Warning, caution, and advisory lights

If warning, caution, or advisory lights are installed in the cockpit, they must be—

(a) Red, for warning lights (lights indicating a hazard which may require immediate corrective action);

(b) Amber, for caution lights (lights indicating the possible need for future corrective action);

(c) Green, for safe operation lights; and

(d) Any other colour, including white, for lights not described in sub-paragraphs (a) to (c) of this paragraph, provided the colour differs sufficiently from the colours prescribed in subparagraphs (a) to (c) of this paragraph to avoid possible confusion.

(e) Effective under all probable cockpit lighting conditions.

SpC VLA 1325 Static pressure system

(a) Each instrument provided with static pressure case connections must be so vented that the influence of aeroplane speed, the opening and closing of windows, moisture or other foreign matter, will not significantly affect the accuracy of the instruments.

(b) The design and installation of a static pressure system must be such that—

(1) Positive drainage of moisture is provided;

(2) Chafing of the tubing, and excessive distortion or restriction at bends in the tubing, is avoided; and

(3) The materials used are durable, suitable for the purpose intended, and protected against corrosion.

(c) Each static pressure system must be calibrated in flight to determine the system error. The system error, in indicated pressure altitude, at sea-level, with a standard atmosphere, excluding instrument calibration error, may not exceed ±9 m (± 30 ft) per 185 km/h (100 knot) speed for the appropriate configuration in the speed range between 1·3 V_{SO} with flaps extended and 1·8 V_{S1} with flaps retracted. However, the error need not be less than ±9 m (± 30 ft).

SpC VLA 1331 Instruments using a power supply

For each aeroplane—

(a) Each gyroscopic instrument must derive its energy from power sources adequate to maintain its required accuracy at any speed above the best rate-of-climb speed;

(b) Each gyroscopic instrument must be installed so as to prevent malfunction due to rain, oil and other detrimental elements; and

(c) There must be a means to indicate the adequacy of the power being supplied to the instruments.

(d) For night VFR operation there must be at least two independent sources of power and a manual or an automatic means to select each power source for each instrument that uses a power source.

SpC VLA 1351 ELECTRICAL SYSTEMS AND EQUIPMENT: General

(a) *Electrical system capacity.* Each electrical system must be adequate for the intended use. In addition—

(1) Electric power sources, their transmission cables, and their associated control and protective devices, must be able to furnish the required power at the proper voltage to each load circuit essential for safe operation; and

(2) Compliance with sub-paragraph (a)(l) of this paragraph must be shown by an electrical load analysis, or by electrical measurements, that account for the electrical loads applied to the electrical system in

probable combinations and for probable durations.

(b) *Functions.* For each electrical system, the following apply:

(1) Each system, when installed, must be—

(i) Free from hazards in itself, in its method of operation, and in its effects on other parts of the aeroplane;

(ii) Protected from fuel, oil, water, other detrimental substances, and mechanical damage; and

(iii) So designed that the risk of electrical shock to occupants and ground personnel is reduced to a minimum.

(2) Electric power sources must function properly when connected in combination or independently.

(3) No failure or malfunction of any electric power source may impair the ability of any remaining source to supply load circuits essential for safe operation.

(4) Each electric power source control must allow the independent operation of each source, except that controls associated with alternators that depend on a battery for initial excitation or for stabilisation need not break the connection between the alternator and its battery.

(c) *Generating system.* There must be at least one generator if the electrical system supplies power to load circuits essential for safe operation. In addition—

(1) Each generator must be able to deliver its continuous rated power;

(2) Generator voltage control equipment must be able to dependably regulate the generator output within rated limits;

(3) Each generator must have a reverse current cut out designed to disconnect the generator from the battery and from the other generators when enough reverse current exists to damage that generator;

(4) There must be a means to give immediate warning to the pilot of a failure of any generator; and

(5) Each generator must have an overvoltage control designed and installed to prevent damage to the electrical system, or to equipment supplied by the electrical system, that could result if that generator were to develop an overvoltage condition.

(d) *Instruments.* There must be a means to indicate to the pilot that the electrical power supplies are adequate for safe operation. For direct current systems, an ammeter in the battery feeder may be used.

(e) *Fire resistance.* Electrical equipment must be so designed and installed that in the event of a fire in the engine compartment, during which the surface of the firewall adjacent to the fire is heated to 1100 °C for 5 minutes or to a lesser temperature substantiated by the applicant, the equipment essential to continued safe operation and located behind the firewall will function satisfactorily and will not create an additional fire hazard. This may be shown by test or analysis.

(f) *External power.* If provisions are made for connecting external power to the aeroplane, and that external power can be electrically connected to equipment other than that used for engine starting, means must be provided to ensure that no external power supply having a reverse polarity, or a reverse phase sequence, can supply power to the aeroplane's electrical system. The location must allow such provisions to be capable of being operated without hazard to the aeroplane or persons.

SpC VLA 1353 Storage battery design and installation

(a) Each storage battery must be designed and installed as prescribed in this paragraph.

(b) Safe cell temperatures and pressures must be maintained during any probable charging and discharging condition. No uncontrolled increase in cell temperature may result when the battery is recharged (after previous complete discharge)—

(1) At maximum regulated voltage or power;

(2) During a flight of maximum duration; and

(3) Under the most adverse cooling condition likely to occur in service.

(c) Compliance with sub-paragraph (b) of this paragraph must be shown by tests unless experience with similar batteries and installations has shown that maintaining safe cell temperatures and pressures presents no problem.

(d) No explosive or toxic gases emitted by any battery in normal operation, or as the result of any probable malfunction in the charging system or battery installation, may accumulate in hazardous quantities within the aeroplane.

(e) No corrosive fluids or gases that may escape from the battery may damage surrounding structures or adjacent essential equipment.

(f) Each nickel cadmium battery installation capable of being used to start an engine or auxiliary power unit must have provisions to prevent any hazardous effect on structure or essential systems that may be caused by the maximum amount of heat the battery can generate during a short circuit of the battery or of its individual cells.

(g) Nickel cadmium battery installations capable of being used to start an engine or auxiliary power unit must have—

(1) A system to control the charging rate of the battery automatically so as to prevent battery overheating;

(2) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery from its charging source in the event of an over-temperature condition; or

(3) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of battery failure.

(h) In the event of a complete loss of the primary electrical power generating system, the battery must be capable of providing 30 minutes of electrical power to those loads that are essential to continued safe flight and landing. The 30-minute time period includes the time needed for the pilot(s) to recognize the loss of generated power, and to take appropriate load shedding action.

SpC VLA 1381 Instrument lights

The instrument lights must—

(a) Make each instrument and control easily readable and discernible;

(b) Be installed so that their direct rays, and rays reflected from the windshield or other surface, are shielded from the pilot's eyes; and

(c) Have enough distance or insulating material between current carrying parts and the housing so that vibration in flight will not cause shorting.

A cabin dome light is not an instrument light.

SpC VLA 1383 Taxi and landing lights

Each taxi and landing light must be designed and installed so that—

(a) No dangerous glare is visible to the pilots;

(b) The pilot is not seriously affected by halation;

(c) It provides enough light for night operations; and

(d) It does not cause a fire hazard in any configuration.

SpC VLA 1431 Electronic equipment

Electronic equipment and installations must be free from hazards in themselves, in their method of operation, and in their effects on other components. For operations for which electronic equipment is required, compliance must be shown against CS–VLA 1309.

SpC VLA 1547 Magnetic direction indicator

(a) A placard meeting the requirements of this section must be installed on or near the magnetic direction indicator.

(b) The placard must show the calibration of the instrument in level flight with the engine operating.

(c) The placard must state whether the calibration was made with radio receivers on or off.

(d) Each calibration reading must be in terms of magnetic headings in not more than 30° increments.

(e) If a magnetic non-stabilized direction indicator can have a deviation of more than 10° caused by the operation of electrical equipment, the placard must state which electrical loads, or combination of loads, would cause a deviation of more than 10° when turned on.

SpC VLA 1559 Operating limitations placards

The following placards must be plainly visible to the pilot:

(a) A placard stating the following airspeeds (IAS):

(1) Design manoeuvring speed, VA;

(2) The maximum landing gear operating speed, VLO.

(b) A placard stating 'This aeroplane is classified as a very light aeroplane approved for day VFR only or day and night VFR, whichever is applicable, in non-icing conditions. All aerobatic manoeuvres including intentional spinning are prohibited. See Flight Manual for other limitations'.

SpC VLA 1583 Operating limitations

(a) Airspeed limitations. The following information must be furnished

(1) Information necessary for the marking of the airspeed limits on the indicator, as required in CS–VLA 1545 and the significance of the colour coding used on the indicator.

(2) The speeds VA, VLo, VLE where appropriate.

(b) Weights. The following information must be furnished:

(1) The maximum weight.

(2) Any other weight limits, if necessary.

(c) Centre of gravity. The established c.g. limits required by CS–VLA 23 must be furnished.

(d) Manoeuvres. Authorised manoeuvres established in accordance with CS–VLA 3.

(e) Flight load factors. Manoeuvring load factors: the following must be furnished:

(1) The factors corresponding to point A and point C of figure 1 of CS–VLA 333 (b), stated to be applicable at VA.

(2) The factors corresponding to point D and point E of figure 1 of CS–VLA 333 (b) to be applicable at VNE.

(3) The factor with wing flaps extended as specified in CS–VLA 345.

(f) *Kinds of operation.* The kinds of operation (day VFR or day and night VFR, whichever is applicable) in which the aeroplane may be used, must be stated. The minimum equipment required for the operation must be listed.

(g) Powerplant limitations. The following information must be furnished:

(1) Limitation required by CS–VLA 1521.

(2) Information necessary for marking the instruments required by CS–VLA 1549 to 1553.

(3) Fuel and oil designation.

(4) For two-stroke engines, fuel/oil ratio.

(h) Placards. Placards required by CS–VLA 1555 to 1561 must be presented.

Information Contact

Comments Invited

We invite interested parties to submit comments on the proposed airworthiness standards to the address specified above. Commenters must identify the AQUILA AT01 Model AT01 and submit comments to the address specified above. The FAA will consider all communications received on or before the closing date before issuing the final acceptance. The proposed airworthiness design standards and comments received may be inspected at the FAA, Small Airplane Directorate, Aircraft Certification Service, Standards Office (ACE–110), 901 Locust Street, Room 301, Kansas City, MO 64106, between the hours of 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

Issued in Kansas City, Missouri on May 8, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–12176 Filed 5–30–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0459; Directorate Identifier 2013–NM–044–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. This proposed AD was prompted by reports of erratic pitch movement and oscillatory behaviors of the elevator control system. This proposed AD would require repetitive replacement of the bellcrank supports on the inner rear spar of the horizontal stabilizer with new, improved bellcrank supports. We are proposing this AD to prevent erratic pitch movement and transient accelerations, which could result in a significant pitch upset, and injuries to passengers and flightcrew.

DATES: We must receive comments on this proposed AD by July 15, 2013.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Ricardo Garcia, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7331; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0459; Directorate Identifier 2013–NM–044–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2013–03, dated February 5, 2013 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> There have been several reported incidents of erratic pitch movements and oscillatory behaviors of the elevator control system. Investigation revealed that, the increase in the elevator breakout force induced by the introduction of a new elevator centering mechanism, in combination with the existing

bracket assembly backlash and bearing friction of the bell crank support, could result in erratic pitch movement and oscillatory behavior of the elevator control system. This condition, if not corrected, could result in pitch upset of the aeroplane that generates transient accelerations. These accelerations could be high enough to injure aeroplane occupants that are not restrained in their seats.

This [TCCA] AD mandates the repetitive replacement of the bellcrank supports with a new bearing.

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

Relevant Service Information

Bombardier, Inc. has issued Service Bulletin 670BA–27–064, dated December 11, 2012.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Difference Between This Proposed AD and the MCAI or Service Information

The MCAI specifies using ''later approved revisions'' of the service information when accomplishing the requirements. However, ''later approved revisions'' must not be used in an AD when referring to the service document because doing so violates Office of the Federal Register (OFR) regulations for approval of materials ''incorporated by reference'' in rules. Therefore, we have not included ''later approved revisions'' in this proposed AD. If additional parts are identified in later revisions of the service information, we might consider further rulemaking then.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 400 products of U.S. registry. We also estimate that it would take about 7 work-hours per product to comply with the basic requirements of this proposed AD. Required parts would cost up to $2,422 per product. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be up to $1,206,800, or up to $3,017 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

Bombardier, Inc.: Docket No. FAA–2013–0459; Directorate Identifier 2013–NM–044–AD.

(a) Comments Due Date

We must receive comments by July 15, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category.

(1) Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers 10002 through 10999 inclusive.

(2) Bombardier, Inc. Model CL–600–2D15 (Regional Jet Series 705) and CL–600–2D24 (Regional Jet Series 900) airplanes, serial numbers 15001 through 15990 inclusive.

(3) Bombardier, Inc. Model CL–600–2E25 (Regional Jet Series 1000) airplanes, serial numbers 19001 through 19990 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by reports of erratic pitch movements and oscillatory behaviors of the elevator control system. We are issuing this AD to prevent erratic pitch movement and transient accelerations, which could result in a significant pitch upset, and injuries to passengers and flightcrew.

(f) Compliance

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

(g) Repetitive Replacement of the Bellcrank Supports

For any airplane with bellcrank supports having part numbers AV670–23350–001 (left side) and AV670–23350–002 (right side), on the inner rear spar of the horizontal stabilizer: At the applicable time specified in paragraph (g)(1), (g)(2), (g)(3), or (g)(4) of this AD, replace the affected bellcrank supports with new bellcrank supports, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–27–064, dated December 11, 2012. Repeat the replacement thereafter at intervals not to exceed 20,000 flight hours.

(1) For airplanes that have, as of the effective date of this AD, accumulated 18,000 total flight hours or less: Replace before the accumulation of 24,600 total flight hours.

(2) For airplanes that have, as of the effective date of this AD, accumulated more than 18,000 total flight hours, but 23,400 total flight hours or less: Replace within 6,600 flight hours after the effective date of this AD.

(3) For airplanes that have, as of the effective date of this AD, accumulated more than 23,400 total flight hours, but 28,500 total flight hours or less: Replace before the accumulation of 30,000 total flight hours.

(4) For airplanes that have, as of the effective date of this AD, accumulated more than 28,500 total flight hours: Within 1,500 flight hours after the effective date of this AD.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(i) Related Information

(1) Refer to MCAI Canadian Airworthiness Directive CF–2013–03, dated February 5, 2013; and Bombardier Service Bulletin 670BA–27–064, dated December 11, 2012; for related information.

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 22, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–12897 Filed 5–30–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1150

[Docket No. FDA–2012–N–0920]

RIN 0910–AG81

Tobacco Products, User Fees, Requirements for the Submission of Data Needed To Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA or we) is issuing this proposed rule that would require domestic tobacco product manufacturers and importers to submit information needed to calculate the amount of user fees assessed under the Federal Food, Drug, and Cosmetic Act (the FD&C Act). The United States Department of Agriculture (USDA) has been collecting this information and providing FDA with the data FDA needs to calculate the amount of user fees assessed to tobacco product manufacturers and importers. USDA intends to cease collecting this information starting in fiscal year 2015 (October 2014). Consistent with the requirements of the FD&C Act, we are proposing to require the submission of this information to FDA instead of USDA. We are taking this action to ensure that FDA continues to have the information we need to calculate, assess, and collect user fees.

DATES: Submit either electronic or written comments on the proposed rule by August 14, 2013. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 by July 1, 2013 (see the ''Paperwork Reduction Act of 1995'' section of this document).

ADDRESSES: You may submit comments, identified by Docket No. FDA–2012–N–0920 and/or Regulatory Information Number (RIN) 0910–AG81, by any of the following methods, except that comments on information collection issues under the Paperwork Reduction Act of 1995 (the PRA) must be submitted to the Office of Regulatory Affairs, Office of Management and Budget (OMB) (see the ''Paperwork Reduction Act of 1995'' section of this document).

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Written Submissions

Submit written submissions in the following ways:

- *Fax:* 301–827–6870.
- *Mail/Hand Delivery/Courier* (for paper, disk, or CD–ROM submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Agency name and Docket No(s). and RIN for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number(s), found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Nancy Boocker or Annette Marthaler, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850–3229, 877–287–1373. *Nancy.Boocker@fda.hhs.gov* or *Annette.Marthaler@fda.hhs.gov.*

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I. Background

The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) was enacted on June 22, 2009, amending the FD&C Act and providing FDA with the authority to regulate tobacco products (Public Law 111–31, 123 Stat. 1776). Section 919(a) of the FD&C Act (21 U.S.C. 387s(a)) requires FDA to ''assess user fees on, and collect such fees from, each manufacturer and importer of tobacco products'' subject to the tobacco product provisions of the FD&C Act (chapter IX of the FD&C Act). The total amount of user fees for each fiscal year is specified in section 919(b)(1) of the FD&C Act, and under section 919(a) we are to assess and collect a proportionate amount each quarter of the fiscal year. The FD&C Act provides for the total assessment to be allocated among the classes of tobacco products identified in the statute: cigarettes, cigars, snuff, chewing tobacco, pipe tobacco, and roll-your-own tobacco.[1] The class allocation is based on each tobacco product class' volume of tobacco products removed[2] into commerce. Within each class of tobacco products, an individual domestic manufacturer or importer is assessed a user fee based on its share of the market for that tobacco product class.

In specifying how to determine each of these two allocations—to a class of tobacco products and then to a domestic manufacturer or importer within a particular class of tobacco products—section 919 of the FD&C Act references the Fair and Equitable Tobacco Reform Act of 2004 (FETRA, Public Law 108–357 (7 U.S.C. 518 *et seq.*)). In determining the user fees to be assessed on each class of tobacco products, section 919(b)(2)(B)(ii) of the FD&C Act provides that the applicable percentage for each tobacco product class ''shall be the percentage determined under section 625(c) of [FETRA] for each such class of product for such fiscal year.'' The classes of tobacco products identified in section 919 of the FD&C Act are the same classes subject to assessments under FETRA. In determining the user fee to be paid by each company, section 919(b)(4) of the FD&C Act directs that we use percentage share information ''determined for purposes of allocations under subsections (e) through (h) of section 625 of [FETRA].''

FETRA provides for a Tobacco Transition Payment Program (TTPP) through which eligible former tobacco quota holders and tobacco producers receive payments in 10 equal installments in each fiscal year 2005 through 2014. The Farm Service Agency (FSA) of the USDA has been the organization responsible for implementing FETRA on behalf of the Commodity Credit Corporation (CCC) of the USDA. FETRA provides for the establishment of quarterly assessments on each domestic manufacturer and importer of tobacco products to fund the 10-year TTPP. The last assessment under FETRA will be in September 2014, which will encompass the 39th and 40th quarterly TTPP assessments. The issuance of the 40th, or last, quarterly assessment, will be on September 1, 2014, rather than on December 1, 2014, in accordance with statutory requirements specified in section 625(d)(3)(A) of FETRA. This 40th quarterly assessment will be determined by using the same adjusted market share of an entity that was used to determine the 39th quarterly assessment (market activity during April 1 to June 30, 2014).

Under a Memorandum of Understanding between FDA and USDA (Ref. 1), USDA has been providing FDA with the information on percentage share by class of tobacco products and by individual company within each tobacco product class. Under FETRA, the authority to collect assessments ends September 30, 2014; however, USDA will still collect the July, August, and September 2014 monthly reports with the same established monthly deadline, so the 40th quarter's assessment can later be '''trued-up''' or adjusted to reflect the actual market share of domestic tobacco manufacturers and importers for the 40th quarter. Section 919(b)(7) of the FD&C Act requires that no later than fiscal year 2015, we ensure we are able to make the determinations necessary for assessing tobacco product user fees.

A. Two-Step Process To Calculate Quarterly Assessments

Both the USDA TTPP program and FDA's user fee program follow a two-step process to calculate quarterly assessments:

- Step A allocates assessments among the six classes of tobacco products specified in those programs—cigarettes, cigars, snuff, chewing tobacco, pipe tobacco, and roll-your-own tobacco—based on each class' volume of tobacco products removed into commerce (section 625(c) of FETRA; 7 CFR 1463.4 and 1463.5; and section 919(b)(2)(B) of the FD&C Act).
- Step B allocates the assessment for each class of tobacco products among the domestic manufacturers and importers in that class, so that each domestic manufacturer's or importer's assessment is proportional to its percentage share within that class (sections 625(e) through (h) of FETRA; 7 CFR 1463.7; and sections 919(b)(3) through (b)(5) of the FD&C Act).

1. Step A

For Step A, FETRA specified the initial allocation among the six classes of tobacco products. For this initial calculation, USDA has determined that Congress used publicly available calendar year 2003 relevant class volume numbers (sticks[3] for cigarettes and cigars, pounds for the other classes) from the Treasury Department's Alcohol and Tobacco Tax and Trade Bureau (TTB) and multiplied those numbers by the maximum 2003 Federal excise tax rates for each class of tobacco products (Ref. 2). In this fashion, the volume of each tobacco product class was converted from differing bases (sticks and pounds) to a common metric: Tax dollar amounts. The tax dollar amounts were added together for a six class total. The allocation for each class of tobacco products was its percentage contribution to the six-class total (Ref. 2 at pp. 4–7). As directed by FETRA, USDA adjusts these allocations annually to reflect changes in the gross domestic volume of each tobacco product class, and it does so using the same methodology that Congress used to make the initial allocation (Ref. 2 at pp. 8–10). Specifically, USDA determines the gross domestic volume of each tobacco product class by multiplying the maximum 2003 Federal excise tax rate for each class by the volume information from TTB for the most recent full calendar year. In other words, for fiscal year 2012, USDA

[1] As discussed later in this section, two of these classes (cigars and pipe tobacco) are not currently subject to regulation under chapter IX of the FD&C Act. Domestic manufacturers and importers are not required to pay user fees for these classes of tobacco products unless, by regulation, FDA deems them subject to FDA's jurisdiction.

[2] Removal is defined at 26 U.S.C. 5702 as ''the removal of tobacco products or cigarette papers or tubes, or any processed tobacco, from the factory or from internal revenue bond under section 5704, as the Secretary [of Treasury] shall by regulation prescribe, or release from customs custody, and shall also include the smuggling or other unlawful importation of such articles into the United States.''

[3] In this document, the number of ''sticks'' is used to refer to the number of individual cigarettes or cigars.

calculates gross domestic volume for each class of tobacco products based on information for calendar year 2010.

As discussed previously in this document, section 919(b)(2)(B)(ii) of the FD&C Act provides that the applicable percentage of each class of tobacco products will be the percentage determined under section 625(c) of FETRA.

2. Step B

Once the allocation to each class of tobacco products is determined, Step B determines the user fee to be assessed and collected from each domestic manufacturer and importer within that class. So it can allocate the assessment for each class of tobacco products among the domestic manufacturers and importers in each class, USDA collects information from each domestic manufacturer and importer on the volume of taxable removals [4] (sticks or pounds) and the resulting excise taxes it has paid for those removals (7 CFR 1463.6). USDA collects this information monthly using a form it has developed (*http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/CCC974.PDF*) (Ref. 3). Along with this form, each domestic manufacturer and importer is also required to submit certified copies of specified tax returns and forms (see section 625(h) of FETRA). For domestic manufacturers, these documents are TTB Form 5000.24 (Excise Tax Return) and TTB Form 5210.5 (Report, Manufacturer of Tobacco Products or Cigarette Papers and Tubes). For importers, these documents are Department of Homeland Security, U.S. Customs and Border Protection (CBP) Form 7501 (Importer Entry Summary) and TTB Form 5220.6 (Monthly Report, Tobacco Products or Processed Tobacco Importer). In accordance with FETRA, USDA calculates the percentage share of a domestic manufacturer or importer within a class of tobacco products by dividing the volume of tobacco products (in either sticks or pounds, depending on the class) attributable to an entity by the total volume of tobacco products (in either sticks or pounds) for that class. Excise taxes paid can be used as a proxy for volume when the tax rate by volume (sticks or pounds) is uniform for the whole class (which is the case for all classes except cigars). USDA then multiplies the percentage by the assessment amount attributed to the class of tobacco products to determine the specific firm's assessment. (See Ref. 2 at pp. 10–15.)

For Step B, section 919(b)(4) of the FD&C Act requires FDA to allocate the assessment of user fees for each class of tobacco products among the tobacco product manufacturers and importers in those classes using the percentages determined under section 625(e) through (h) of FETRA.

B. Specific Considerations and Processes for User Fees Under Section 919 of the FD&C Act

The calculation of user fees under section 919 of the FD&C Act does differ from FETRA in some important respects. First, we may not assess a user fee on a class of tobacco products unless that class of tobacco products is either listed in section 901(b) of the FD&C Act (21 U.S.C. 387a(b)) (cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco [5]) or has been deemed by FDA in a regulation under section 901(b) to be subject to chapter IX of the FD&C Act. For those classes of tobacco products that are not deemed by FDA to be subject to chapter IX of the FD&C Act, with respect to Step A of the assessment calculation, the amount of user fees that otherwise would be assessed to such class is reallocated to the classes of tobacco products that are subject to chapter IX of the FD&C Act (section 919(b)(2)(B)(iv) of the FD&C Act).

Second, with respect to Step B of the assessment calculation, section 919 of the FD&C Act provides that if a user fee assessment is imposed on cigars, the percentage share of each domestic manufacturer and importer of cigars shall be based on the excise taxes paid by such domestic manufacturer or importer during the prior fiscal year (section 919(b)(5) of the FD&C Act).

As required by the FD&C Act, user fees are to be assessed and collected each quarter of each fiscal year and the total amount assessed and collected is the amount specified in section 919(b). FDA makes a determination of the total user fee to be paid by each domestic manufacturer and importer each fiscal quarter (four times a year), using the information FDA currently receives from USDA, and notifies each entity of its quarterly assessment by invoice. The invoice from FDA currently includes information about how to remit payments and accrual of interest if a payment is not received by the date due.

The authority to collect the last assessment under FETRA ends September 30, 2014; however, USDA plans to provide the original market share activity for the 39th and 40th quarter as well as the ''trued-up'' or revised market share to FDA on the same time schedule as any other quarterly assessment. Because we anticipate that after USDA's 40th quarterly assessment FDA will no longer receive the information from USDA that we currently use to calculate the tobacco product user fee assessments,[6] we are issuing this proposed rule that would require the submission of information to FDA.

II. Description of the Proposed Rule

As discussed in section I of this document, section 919 of the FD&C Act establishes a user fee assessment and collection process that references the FETRA framework for determining allocations among classes of tobacco products and among individual domestic manufacturers and importers within each class. The proposed rule is intended to ensure that FDA collects from domestic manufacturers and importers information necessary to make these allocations and to assess user fees for domestic manufacturers and importers. The following sections discuss in more detail the proposed rule and FDA's rationale for the proposed sections.

A. General Principles

This proposed rule uses the TTPP framework, as implemented by USDA. We believe that adopting an approach similar to the TTPP regulations is consistent with the direction of section 919 of the FD&C Act. For example, section 919(b)(2)(B)(ii) of the FD&C Act directs that when allocating user fee assessments to classes of tobacco products (Step A), FDA shall use the percentage as determined under section 625(c) of FETRA. Similarly, section 919(b)(4) of the FD&C Act directs that when determining the user fee by company (Step B), FDA shall use the percentage as determined under subsections (e) through (h) of section 625 of FETRA. Thus, the proposed rule uses the same approach as USDA for collecting data and making allocations among firms. Because domestic manufacturers and importers are

[4] FETRA defines removal with reference to 26 U.S.C. 5702 (see 7 U.S.C. 518d(a)(2)).

[5] Smokeless tobacco, as defined in section 900(18) of the FD&C Act, includes snuff and chewing tobacco as these classes are defined in 26 U.S.C. 5702; thus, the classes of snuff and chewing tobacco are currently subject to user fees.

[6] With respect to the quarterly assessments issued by USDA on September 1, 2014, the user fee allocations will be based on percentage share during the April 1 to June 30, 2014, quarter (7 CFR 1463.6). The original 40th quarter's market share will be ''trued-up'' or revised after receipt of the July, August, and September 2014 monthly reports during the 2014 annual revision and this information will then be provided to FDA.

familiar with the TTPP, using this approach should help minimize confusion about the submission requirements and the methodology used to make the calculations of user fee assessments. While the proposed rule uses the TTPP framework to a large extent, it provides additional explanation of precisely how FDA intends to make the Step A and Step B calculations.

This proposed rule varies from USDA's regulation implementing the TTPP in certain respects to reflect differences between FETRA and the FD&C Act. These differences, however, do not affect the types of data that domestic manufacturers and importers would submit to FDA. For example, one difference reflected in the proposal is that the total yearly user fee is specified in the FD&C Act (section 919(b)(1) of the FD&C Act), whereas for the TTPP, USDA calculates the total assessments for a year based on actual annual program costs (section 625(b)(2) of FETRA). Another example relates to disputes. FETRA provides a specific hearing process related to challenges of TTPP assessments (see section 625(i) of FETRA and 7 CFR 1463.11). Section 919 of the FD&C Act neither references this section of FETRA nor provides a particular dispute process. Thus, while the proposed rule contains some provisions relating to disputes regarding the amount of the fee assessments (discussed in more detail in section II.G of this document), the proposed provisions differ from those in the TTPP program.

B. Scope and Definitions

The proposed rule includes a scope section (proposed § 1150.1 (21 CFR 1150.1)) that explains how the regulation would relate to the collection and assessment of user fees and how it would apply to domestic manufacturers and importers of tobacco products. In addition, the proposal includes a definitions section that would help clarify the meaning of terms used throughout the proposed rule. Several of the terms are similar to terms used in the TTPP regulations (7 CFR part 1463).

The following terms are defined in proposed § 1150.3:

Class of tobacco products. We are proposing to define ''class of tobacco products'' as cigarettes, cigars, snuff, chewing tobacco, pipe tobacco, and roll-your-own tobacco. These are the classes of tobacco products named in section 919(b)(2)(B)(i) of the FD&C Act. They are also the same six classes of tobacco products that have been subject to TTPP assessments under FETRA and, as such, the classes for which there is a method for determining the applicable percentages under FETRA, both for the classes and individual entities within the classes. The FETRA percentage is based on gross domestic volume, which is defined as the volume of tobacco products removed within the meaning of the Internal Revenue Code (section 625(a)(2) of FETRA). Under the Internal Revenue Code, the six classes are the only ones defined as ''tobacco products'' that are removed and that are subject to the excise tax requirements (26 U.S.C. 5701 and 5702(c) and (j)). Therefore, we are not including other classes of tobacco products in the proposed rule, even though these six classes do not encompass all tobacco products as that term is defined in section 201(rr) of the FD&C Act (21 U.S.C. 321(rr)).[7] While some of these classes have definitions in the FD&C Act, such as the definition of ''cigarette'' in section 900(3) of the FD&C Act, we are proposing to use the definitions in 26 U.S.C. 5702 because these are the definitions currently used in determining the applicable percentages for the purpose of user fee assessments.[8]

Domestic manufacturer and *importer.* We are proposing to define the term ''domestic manufacturer'' as a person who is required to obtain a permit from TTB with respect to the production of tobacco products under title 27 of the Code of Federal Regulations (CFR). We are proposing to define ''importer'' as a person who is required to obtain a permit from TTB with respect to the importation of tobacco products under title 27 of the CFR. The proposed use of two separate definitions would differ from some FD&C Act provisions that use the single term ''tobacco product manufacturer'' to refer to both manufacturers and importers. FDA views use of the terms domestic manufacturer and importer in this proposed rule as consistent with the language of section 919 of the FD&C Act, which uses the terms manufacturer and importer throughout. FDA is proposing to use the term ''domestic manufacturer'' instead of ''manufacturer'' in proposed part 1150 because the tobacco industry is familiar with the former term in the context of submitting information for assessment purposes.

Fiscal year quarter and *total assessment.* We are proposing to define the term ''fiscal year quarter'' as a quarter in a fiscal year (the fiscal year is October 1 through September 30). We are proposing to define ''total assessment'' as the total amount of user fees (in dollars) authorized to be assessed and collected for a specific fiscal year under section 919 of the FD&C Act. Both terms are specific to FDA's implementation of section 919 of the FD&C Act.

Units of product and *units of product removed and not tax exempt.* We are proposing to define ''units of product'' as the number of sticks for cigarettes and cigars, or the weight measured in pounds for snuff, chewing tobacco, pipe tobacco, and roll-your-own tobacco. We are proposing to define ''units of product removed and not tax exempt'' as the units of product: (1) Removed (as defined by 26 U.S.C. 5702) and (2) not exempt from Federal excise tax under chapter 52 of title 26 at the time of their removal under that chapter or the Harmonized Tariff Schedule of the United States.

Yearly class allocation. We are proposing to define the term ''yearly class allocation'' as the amount of user fees (in dollars) to be assessed for a class of tobacco products for a particular year.

C. Required Information

The proposed rule includes a section (proposed § 1150.5) describing the information that domestic manufacturers and importers would be required to submit to FDA. The proposed requirement would provide continuity to domestic manufacturers and importers as it would require them to submit essentially the same information to FDA that they are currently submitting to USDA. This information would provide FDA with the information we need to calculate the user fee amount to be assessed and collected from each domestic manufacturer and importer.

To determine the percentage share allocated to each class of tobacco products and then to determine the percentage share allocated to each domestic manufacturer and importer within each class, we need the same information that USDA uses to determine these percentages. USDA requires each domestic manufacturer and importer to submit certain summary information each month, which is reported on form CCC–974 (see 7 CFR 1436.6 and Ref. 3). USDA also requires

[7] Section 201(rr)(1) of the FD&C Act states: ''The term 'tobacco product' means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).''

[8] Although FDA has not deemed cigars to be subject to its jurisdiction, roll-your-own tobacco for cigars is part of the roll-your-own tobacco class, as defined in 26 U.S.C. 5702. Thus, we have considered roll-your-own tobacco for cigars to be subject to user fees under the roll-your-own tobacco class.

that each domestic manufacturer and importer of tobacco products submit a certified copy of certain returns or forms filed with a Federal Agency. The returns or forms described are those that relate to: (1) The removal of tobacco products into domestic commerce (as defined by section 5702 of the Internal Revenue Code of 1986) and (2) the payment of the taxes imposed under chapter 52 of the Internal Revenue Code (section 625(h) of FETRA).

Domestic manufacturers and importers are not required to pay user fees for the classes of tobacco products that have not been deemed, by regulation, to be subject to FDA's jurisdiction (*i.e.,* cigars, pipe tobacco). We are proposing that these domestic manufacturers and importers would not be required to submit information under proposed § 1150.5 unless and until they are deemed by regulation to be subject to chapter IX of the FD&C Act. We tentatively conclude that we can assess and collect the appropriate user fee amounts without such information.

1. Identifying Information

We are proposing to require domestic manufacturers and importers of tobacco products to provide to FDA summary information each month. Each domestic manufacturer or importer would submit identifying information, including its name and address, the name and telephone number of a contact, an email address or postal address for FDA notifications, its TTB permit number, and its Employer Identification Number (EIN).

2. Removals

We are proposing to require the submission of information regarding the total amount of tobacco products removed into domestic commerce in the prior month and the Federal excise taxes paid for those removals. The proposed rule would require monthly reports from all domestic manufacturers and importers. As is currently required by USDA, entities that had no removals subject to tax during the reporting period would be required to report that they had no removals. This type and frequency of reporting would be almost identical to what USDA currently collects on its CCC–974 form. Moreover, FDA intends to have available to domestic manufacturers and importers a form similar to USDA's CCC–974 but with changes reflecting that the information is submitted to FDA (Ref. 8).

3. Certified Copies of Returns and Forms

We are proposing to require domestic manufacturers and importers to submit each month certified copies of the returns or forms related to the removal of tobacco products into domestic commerce and the payment of excise taxes. The proposed rule refers to the reports and forms by reference to the applicable Internal Revenue Code authority. Because the specific names of reports and forms may change over time, we did not name reports or forms in the proposed rule. We instead intend to specify the form names in our quarterly notification of assessments to domestic manufacturers and importers and on our Web site (*www.fda.gov/TobaccoProducts*). Currently, the forms are: TTB Form 5220.6; TTB Form 5210.5; TTB Form 5000.24; and CBP Form 7501.

Collecting the required information would enable FDA to determine allocations and verify the monthly summary information on which the allocations are based so we can accurately assess and collect user fees from domestic manufacturers and importers. As has been USDA's approach, submission of the information in a summary form along with the supporting documents (copies of the relevant tax forms) would help ensure that we are able to efficiently and accurately identify the amount of tobacco product removed and subject to Federal excise tax. We believe the information proposed to be required would provide the information the Agency needs to effectively implement section 919 of the FD&C Act. The burden on reporting entities should be relatively low because they would be submitting a form they are already required to submit under separate laws along with a summary of information from that form.

The proposed rule would require that these entities submit to FDA this information beginning with the October 2014 monthly report to ensure that we continue to be able to accurately determine the tobacco product class allocation and the amount owed by each domestic manufacturer and importer. We specify this date in the proposed rule because we anticipate USDA will cease collecting the information after the September 2014 monthly report. We do not intend to overlap in the collection of this information because the information collected by USDA will continue to be available to FDA.

D. Methodology

1. Yearly Class Allocations

The proposed rule includes a section (proposed § 1150.7) describing how we would allocate the total assessment among each class of tobacco products (Step A). As described in the proposed rule, FDA would determine the yearly class allocation using publicly available tax data and information published by TTB about volumes of products removed. If the TTB information is no longer available, we would rely on information from copies of the returns or forms that would be submitted to FDA under proposed § 1150.5 (information provided on certified FDA forms or certified copies of the returns or forms filed with another Federal Agency, such as the Department of Treasury). The yearly class allocation would be based on the methodology USDA currently uses in determining the tobacco product class allocations for the TTPP.

Under the proposed rule, the total assessment (the total amount of user fees for a fiscal year) would be allocated among the six classes of tobacco products based on the units of tobacco products removed into domestic commerce. To make this allocation, FDA would multiply the volume of tobacco products removed for each class by the maximum 2003 Federal excise tax rate for each class to generate a dollar figure for each class of tobacco products. The volume of tobacco products removed would be the ''unit'' that is used for excise tax purposes. For snuff, roll-your-own tobacco, chewing tobacco, and pipe tobacco, the unit would be weight, measured in pounds. For cigarettes and cigars, the unit would be the number of sticks. In making the allocation for a particular fiscal year, we would use data about removals covering the most recent full calendar year. For example, in fiscal year 2014 (beginning October 1, 2013), we would use data about removals occurring during calendar year 2012 (beginning January 1, 2012).

To account for the different excise tax rates for cigars (which differ for small and large cigars), we would do two subcalculations. First, for small cigars, the number of sticks would be multiplied by the maximum 2003 Federal excise tax rate for small cigars to generate a dollar amount for small cigars. Second, for large cigars, the number of sticks would be multiplied by the maximum 2003 Federal excise tax rate for large cigars to generate a dollar amount. The dollar amounts for small and large cigars would be added to generate a dollar figure for the cigar class as a whole. This is consistent with USDA's methodology (Ref. 2, p. 7).

We would use the dollar figures for each of the six classes of tobacco products to calculate the percentages attributable to each class of tobacco products. To arrive at percentages, we

would add the dollar figures for each of the six classes of tobacco products together; this aggregate dollar figure would be the denominator. The dollar figure for each class of tobacco products would be the numerator, and when divided by the aggregate dollar figure, the resulting quotient would be the percentage attributable to that class.

FETRA specifies that tobacco product class allocations must be adjusted periodically to reflect changes in the share of gross domestic volume held by a class of tobacco products, defining ''gross domestic volume'' as the volume of tobacco products removed and not exempt from Federal excise tax (section 625(a)(2) and (c)(2) of FETRA). FETRA does not specify that any changes should be made to tobacco product class allocations to reflect changes in tax rates. Accordingly, USDA does not adjust the tobacco product class allocations to include changes in tax rates. At least one company has questioned the continued use of the 2003 tax rates because those tax rates have changed (75 FR 76921, December 10, 2010). USDA has considered this issue and determined that fluctuations in excise tax rates do not affect class allocations (see *http://www.fsa.usda.gov/Internet/FSA_File/tobacco_determ_11162011.pdf*). FDA is proposing to adopt the same approach because, with respect to the tobacco product class allocations, section 919 of the FD&C Act specifies that, except for reallocations as discussed in the paragraphs that follow, percentages of each class are those determined under FETRA.

Consistent with section 919(b)(2)(B)(iv) of the FD&C Act, the proposed rule also provides that the amount of user fees otherwise assessed to any class of tobacco products not currently regulated under chapter IX of the FD&C Act would be reallocated to the classes of tobacco products that are currently regulated under chapter IX of the FD&C Act. Of the six classes, only the cigar and pipe tobacco classes are not currently regulated under chapter IX and, thus, are not subject to user fees. Under the proposed rule, the user fees that would be assessed to domestic manufacturers and importers of cigars and pipe tobacco would be reallocated to the classes of tobacco products currently subject to chapter IX of the FD&C Act.

FDA is allocating fees among the classes of tobacco products specified in section 919(b)(2)(B)(i) of the FD&C Act. These are the same classes of tobacco products that have been subject to TTPP assessments under FETRA and, as such, the classes for which there is a method for determining the applicable percentages, for class and individual domestic manufacturers and importers within the classes under FETRA. The FETRA percentage is based on gross domestic volume, which is defined as the volume of tobacco products removed within the meaning of the Internal Revenue Code (section 625(a)(2) of FETRA). Under the Internal Revenue Code, the six classes are the only ones defined as ''tobacco products'' that are removed and that are subject to the excise tax requirements (26 U.S.C. 5701 and 5702(c) and (i)). Thus, under the proposed rule, if a tobacco product that is not included in one of the six classes specified in section 919(b)(2)(B)(i) of the FD&C Act is deemed by regulation to be subject to chapter IX of the FD&C Act, fees would not be allocated to such product. If you disagree with this reading, FDA invites comments on what the additional classes would be; how user fee calculations would be made if additional classes were to be added, particularly if added classes were not subject to Federal excise taxes; and support for your view.

2. Individual Domestic Manufacturer or Importer Assessment

As described in the proposed rule (proposed § 1150.9), each quarter we would calculate the assessment imposed on each domestic manufacturer and importer of tobacco products (see section I.A.2 of this document). Information submitted under proposed § 1150.5 would be used along with any other available information in making these calculations. Under the proposed rule, for each class of tobacco products except cigars, we would calculate the domestic manufacturer's or importer's percentage share. This percentage share would be calculated by dividing the Federal excise taxes that the domestic manufacturer or importer paid for the class for the prior quarter by the total excise taxes that all domestic manufacturers and importers in that class paid for the class for that same quarter.[9]

This proposed calculation is the same as that used by USDA for all classes of tobacco products subject to user fees except for cigars. Although USDA uses volume of cigars removed in the preceding quarter to calculate percentage share, section 919(b)(5) of the FD&C Act specifies that ''if a user fee assessment is imposed on cigars, the percentage share of each manufacturer or importer of cigars shall be based on the excise taxes paid by such manufacturer or importer during the prior fiscal year.'' Thus, if a user fee assessment were to be applied to cigars we would calculate the percentage share for each domestic manufacturer and importer by dividing the Federal excise taxes that it paid for the class for the prior fiscal year by the total excise taxes that all domestic manufacturers and importers in the cigar class paid for the prior fiscal year. We are requesting comment on this proposed calculation for cigars and have reserved § 1150.9(a)(2) should a user fee assessment be applied to cigars.

The proposed rule also provides that the percentage share would be truncated to the fourth decimal place. Thus, if the percentage share calculated is less than 0.0001 percent, the domestic manufacturer or importer would be excluded from the assessment for that class of tobacco products.

Once the percentage share is calculated, we would then determine the amount of assessment to be collected from a domestic manufacturer or importer each fiscal quarter. FDA would multiply each entity's percentage share by the quarterly assessment for that class of tobacco products (*i.e.*, the total yearly class allocation divided by four). Because the assessments are based on past activity, a domestic manufacturer or importer may be assessed a user fee regardless of whether it removed into domestic commerce any tobacco products during the quarter in which it received an invoice.

3. Annual Adjustment

Proposed § 1150.9(b) provides that annually FDA would make any adjustment to individual domestic manufacturer and importer assessments if needed to account for any corrected assessments and to include those entities that were not assessed in previous quarterly assessments for that fiscal year. The adjustment would help ensure that no domestic manufacturer or importer pays a user fee in excess of its percentage share (section 919(b)(3)(B) of the FD&C Act). FDA intends to use information we have from registrations, along with any other available information, to help ensure that domestic manufacturers and importers are providing the information that would be required under the proposed rule.

E. Notification of Assessments

Proposed § 1150.11 would describe the notification that we would provide each domestic manufacturer and importer of tobacco products. Section

[9] As previously noted, except for cigars, section 919(b)(4) of the FD&C Act requires FDA to determine percentage share for each entity in the same manner described in subsections (e) through (h) of section 625 of FETRA.

919(b)(6) of the FD&C Act requires that FDA notify each domestic manufacturer or importer of tobacco products of the amount of the quarterly assessment imposed no later than 30 days prior to the end of the quarter for which the assessment is made. Consistent with this requirement, the proposed rule would require FDA to notify each domestic manufacturer and importer of tobacco products of the amount of the quarterly assessment imposed on the domestic manufacturer or importer for each quarter of a fiscal year not later than 30 days before the end of the quarter for which the assessment is made. As proposed, the notification would also include information about the allocation of the yearly assessment among each class of tobacco products (Step A) and the percentage share of each class allocated to the domestic manufacturer or importer (Step B).

The notification would also include information on any adjustment FDA made for corrections or any adjustment to include entities that were not assessed in previous quarterly assessments for that fiscal year. In addition, the proposed notification would provide information about how the domestic manufacturer or importer is to pay the user fee and information on accrual of interest if a payment is late. Payment methods currently include check, wire transfer, and online payment. We expect that over time different methods of payment, such as other methods of electronic funds transfer, may develop.

F. Payments

In accordance with section 919(b)(6) of the FD&C Act, proposed § 1150.13 would require that a domestic manufacturer and importer pay an assessment by the last day of the quarter involved. If we have not notified the domestic manufacturer or importer of the amount that is required to be remitted 30 calendar days before the end of a fiscal year quarter, the proposed rule provides that no interest would be assessed until 30 calendar days after the date that we sent notification of the amount owed. Proposed § 1150.13 would also require that payments be submitted in U.S. dollars and in the manner specified in the notification (*e.g.,* check or online payment). As noted, over time the manner of receiving payments may change, such as by check, electronic funds transfer, or online transaction.

Consistent with 31 U.S.C. 3717, the proposed rule also states that interest would begin accruing if payment of the assessment is not made by the last day of the quarter involved. The accrual of interest would begin the next day. For example, if payment is due March 31 but is not received by March 31, then interest would begin to accrue on the unpaid amount on April 1. The proposed rule also explains that if a domestic manufacturer or importer disputes the amount of the assessment, the domestic manufacturer or importer would still be required to pay the assessment by the date due or be subject to interest.

G. Disputes

We are proposing that a domestic manufacturer or importer would be required to submit a dispute in writing regarding an assessment within 45 days of the date of the assessment notification (proposed § 1150.15). If FDA determines there was an error in the amount of the assessment, FDA would refund the amount that was incorrectly assessed. Any subsequent appeals of the dispute would also need to be submitted in writing within 30 days of the date of FDA's response to the dispute. To ensure finality in FDA's accounts and potential refund obligations, we believe it is necessary to have a time limit on disputes over user fee assessments. We believe the proposed timeframes identified are adequate to detect a dispute and prepare a written submission to FDA. The notification of assessment would provide information regarding where to send a dispute and when it needs to be sent. Domestic manufacturers or importers may contact the Center for Tobacco Products (CTP) Ombudsman for further information on dispute options and resolution (*www.fda.gov/CTPOmbudsman*).

H. Penalties

Proposed § 1150.17 would include an explanation that failure to pay a user fee would result in the tobacco product being deemed adulterated under section 902(4) of the FD&C Act. Because a firm would not be able to pay a user fee if it does not submit to FDA the information the Agency needs to be able to calculate the amount of fees assessed to such firm, under the proposed rule failure to submit such information would also result in the tobacco product being deemed adulterated. An adulterated tobacco product is subject to enforcement action by FDA, including injunction, seizure, and civil money penalties (sections 302, 303, and 304 of the FD&C Act (21 U.S.C. 332, 333, and 334)). The failure to submit information that is required so FDA can calculate assessments and fees owed—to help assure the product is not adulterated—would also be a violation of section 909 of the FD&C Act (21 U.S.C. 387i), and the failure to make a report required by section 909 is a prohibited act under section 301 of the FD&C Act (21 U.S.C 331). The proposed rule also explains that any person who knowingly fails to provide required information or provides false information may be subject to the criminal penalties prescribed in 18 U.S.C. 1001.

III. Effective Date

FDA proposes that any final rule that issues based on this proposal become effective 30 days after the final rule publishes in the **Federal Register**.

IV. Legal Authority

Section 919(b)(7) of the FD&C Act requires FDA to ensure that we are able to determine the applicable percentages described in section 919(b)(2) and the percentage shares described in section 919(b)(4). Section 909(a) authorizes FDA to issue regulations requiring tobacco product manufacturers or importers to make such reports and provide such information as may be reasonably required to assure that their tobacco products are not adulterated or misbranded and to otherwise protect public health. Under section 902(4), a tobacco product is deemed to be adulterated if the manufacturer or importer of the tobacco product fails to pay a user fee assessed to it under section 919. In addition, section 701(a) of the FD&C Act (21 U.S.C. 371(a)) gives FDA general rulemaking authority to issue regulations for the efficient enforcement of the FD&C Act. Consistent with these authorities, FDA is issuing this proposed rule, which is intended to ensure that we are able to make the determinations required by section 919 of the FD&C Act and assess and collect tobacco product user fees.

V. Environmental Impact

The Agency has determined under 21 CFR 25.30(h) that this proposed rule is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VI. Analysis of Impacts

A. Introduction

FDA has examined the impacts of the proposed rule under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Orders 12866 and 13563 direct Agencies to assess all costs and benefits of available regulatory

alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Agency believes that this proposed rule is not a significant regulatory action as defined by Executive Order 12866.

The Regulatory Flexibility Act requires Agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. The potential impact on small entities is uncertain, and FDA is unable to rule out the possibility that this proposed rule may have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that Agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $139 million, using the most current (2011) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this proposed rule to result in any 1-year expenditure that would meet or exceed this amount.

B. Baseline

Section 919 of the FD&C Act establishes a system of collecting user fees, starting from the enactment of the Tobacco Control Act on June 22, 2009. This general system for collecting user fees has already been implemented and has been operational for more than 2 years.

In order to bill user fees, FDA must have data on the domestic manufacturers and importers required to pay. Currently, the necessary information is provided by USDA through a Memorandum of Understanding (Ref. 1). Section 919(b)(7)(B) of the FD&C Act requires the Secretary, starting no later than fiscal year 2015, to ensure that FDA is able to determine the yearly class allocations and the shares of each domestic manufacturer and importer within each class. This rule, when finalized, would provide a mechanism for obtaining the information necessary for these user fee calculations. Without this proposed rule, the Agency would have to gather the information in some other way. Our forecast of the method by which FDA would obtain this information in the absence of rulemaking provides the baseline for this proposed rule. While it is difficult to determine exactly how this would be done without a regulation establishing the process, section 919(b)(7)(B) of the FD&C Act would be implemented in some way and FDA would continue to collect user fees. It is important to note that without a regulation in place, implementation of the user fee provision might require new legislation, without which there would be potentially severe difficulties.

Methods for FDA to ensure that it can obtain the information needed to calculate or collect user fees starting in fiscal year 2015 could include obtaining the information from a Federal Agency (or Agencies) other than USDA or forming an agreement under which USDA continues to collect this information as they currently do, even though USDA will not need the information after fiscal year 2014. Either of these options might require new legislation to implement. Another possibility is for Congress to pass legislation explicitly requiring firms to submit the requisite information but without the need for an implementing regulation. We assume that in the absence of regulation, FDA would most likely obtain the information from Federal Agencies other than USDA, and we use this as our primary baseline. This provides the greatest contrast to the proposed rule from the perspective of regulated industry. We also discuss how the proposed rule would compare to the other possible baseline scenarios.

Under our primary baseline, starting in fiscal year 2015, FDA would obtain the information necessary for collecting user fees directly from Federal Agencies (other than USDA) that collect such information. FDA could obtain raw data with which to calculate user fees, or another Agency could compile the information, perform the calculations, and possibly even issue user fee bills on behalf of FDA; in either case, government Agencies would compile the information from existing sources. The form currently used by USDA requests information from forms submitted to the TTB and CBP. Therefore, agreements between multiple agencies would likely have to be put into place because it is not clear that either TTB or CBP has all of the necessary information. The government (whether FDA or another Agency) would bear the costs of compiling all of the information from the various TTB and CBP forms. The difficulty of this task depends on the current format of the information and the amount of work that would be required to put it into a format that can be used by FDA. Because of statutes governing TTB and CBP, without additional legislation, this system could limit FDA's ability to disclose information supplied by another Agency when taking enforcement action or even when sending bills.

C. Number of Affected Entities

This proposed rule would apply to all entities that manufacture or import any tobacco product that is regulated under the FD&C Act and belongs to one of the classes of tobacco products listed in section 919 of the FD&C Act. Currently, manufacturers and importers of cigarettes, snuff, chewing tobacco, and roll-your-own tobacco fit these criteria. Based on discussions with another Federal Agency, FDA estimates that 200 such entities would be affected by this proposed rule.

D. Impact of the Proposed Rule

Under the proposed rule, manufacturers and importers would have to submit information to FDA on a monthly basis, whereas under the primary baseline they would not have to submit any information to FDA. Although FDA is proposing an information collection very similar to that currently conducted by USDA, there would be some private sector costs associated with the transition from USDA to FDA collection. Manufacturers and importers would need to read the regulation or any notification potentially sent to them to explain the transition. They would need to switch forms and update the address for submission. To the extent that the form changes,[10] they would have to learn how to use the new form. FDA estimates that this transition would take 3 hours per manufacturer or importer. Valuing time at the average tobacco manufacturing industry wage of $25.27 [11] per hour, doubled to $50.54 per hour to account for benefits and overhead, this transition cost would be $151.62 per manufacturer or importer. Table 1 shows that the total transition cost would be approximately $30,000.

TABLE 1—PRIVATE SECTOR TRANSITION COST

No. of entities	200
No. of hours	3

[10] The current draft FDA form is very similar to the USDA form.

[11] May 2011 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 312200—Tobacco Manufacturing. *http://www.bls.gov/oes/*

TABLE 1—PRIVATE SECTOR TRANSITION COST—Continued

Cost ($)	30,324

All of the entities affected by this proposed rule would be required on a monthly basis to submit the proposed FDA form containing certain identifying information, the number of units introduced into domestic commerce [12] in the prior month, and excise taxes paid for such introduction into domestic commerce, by tobacco product class. This form is estimated to take 3 hours to complete. In addition, each entity would be required on a monthly basis to submit certified copies of the returns and forms that relate to the introduction of tobacco products into domestic commerce and the payment of Federal excise taxes imposed. Submitting copies of these forms is estimated to take 1 hour each month. These submissions are required even if the quantity introduced into domestic commerce during the month in question is 0. We do not consider any time cost associated with remitting payment for user fees (or the distributional effect of the aggregate amount of the user fees shifted from tobacco manufacturers and importers to government) because user fees will be assessed and paid regardless of how section 919(b)(7)(B) of the FD&C Act is implemented. Similarly, we do not consider the time cost of disputing or appealing user fee assessments because similar mechanisms would be in place regardless of how section 919(b)(7)(B) is implemented.

Table 2 shows the annual private sector costs of complying with this proposed rule, compared with the primary baseline, would be approximately $485,000.

TABLE 2—ANNUAL PRIVATE SECTOR COMPLIANCE COST

FDA form:	
No. of entities	200
Annual submissions	12
Hours per submission	3
Cost ($)	363,888
Copies of other forms:	
No. of entities	200
Annual submissions	12
Hours per submission	1
Cost ($)	121,296
Total Cost ($)	485,184

Under the primary baseline, government workers (at FDA or another Agency) would do the work of compiling the information contained in various TTB and CBP forms that is needed to calculate and bill user fees. Therefore, government costs would decrease with this proposed rule in an amount that would approximately offset the private sector costs discussed previously. Government setup costs for learning how to compile the necessary data from the various relevant forms would be reduced or eliminated, partly offsetting the private sector transition cost. In addition, government costs for actually compiling this information on an ongoing basis would be eliminated. If the government is not able to perform these functions as efficiently as manufacturers and importers, the reduction in government costs would exceed the increase in private compliance costs, resulting in a net benefit to society. If government is able to perform these functions more efficiently, the increase in private costs would exceed the reduction in government costs, resulting in a net cost to society. Therefore, requiring industry to compile this information and submit it to FDA could result in either a net societal cost or benefit, the size of which is expected to be very small.

This proposed rule would have other impacts. It would allow FDA to be in control of the information used for calculating and billing user fees. This would be beneficial for resolving disputes and taking enforcement action if a firm fails to pay. By contrast, under the baseline (in which FDA obtains information from Federal Agencies other than USDA), taking enforcement action or even billing for user fees could be more challenging without additional legislation. In addition, because FDA would not have to rely on cooperation from another Agency, this proposed rule would likely result in greater efficiency. Under the primary baseline, the possibility would exist that at some time in the future the other Agencies would no longer be willing or able to provide the necessary data. FDA would then face the same question it faces today as to how to ensure that it can obtain the relevant data. Therefore, compared with the primary baseline, this proposed rule can be expected to eliminate the potential need for additional legislation and allow the collection of user fees after 2014 to proceed more smoothly than it would without legislation.

E. Alternative Baselines

The primary baseline assumes that starting in fiscal year 2015, FDA would obtain the information necessary for collecting user fees directly from another Federal Agency (or Agencies) other than USDA. However, there are other ways that FDA might obtain the necessary data.

Under one alternative baseline, USDA would continue to collect the information and perform market share calculations as it does today. Compared with this baseline scenario, the only industry cost of this proposed rule would be the cost of the transition. This would be a social cost (there would be no offsetting cost reduction) because if USDA were to continue to collect the information as it does today, there would be no learning or transition cost for government or industry. Because industry would be responsible for compiling and submitting the necessary information under either this baseline or the proposed rule, there would be no ongoing incremental cost to industry or to society as a whole. However, because USDA's program sunsets after fiscal year 2014, it is not clear that they could continue to collect this information without new legislation. Therefore, the proposed rule would eliminate the potential need for new legislation or the potentially severe problems that would be faced without new legislation. Finally, if the information is collected for FDA's sole use, it would arguably be more efficient over the long run for FDA to collect the information itself. Combining the information collection and use in one Agency would yield some societal benefit in the form of cost savings.

Under another possible baseline, Congress could pass legislation explicitly requiring firms to submit the information we propose to collect in this rule without the need for issuing an implementing regulation. In terms of the mechanics of the process (the transition of the information collection to FDA and the ongoing need for industry to compile and submit the data), the proposed rule would have no effect under this scenario. However, issuance of this rule would make such legislation unnecessary.

F. Impact on Small Entities

1. Numbers Affected

Under the primary baseline, this proposed rule would impose costs on domestic tobacco product manufacturers and importers. U.S. Census data provide some insight into the proportion of such entities that may be small. All cigarette manufacturers would be affected by this rule, while an unknown proportion of other tobacco product manufacturers would be affected. Importers are not identified in the Census, but instead may be designated as wholesalers or retailers. Most tobacco product-importing

[12] The technical term for this is ''removal,'' which is defined in footnote 2.

wholesalers would be classified as ''tobacco and tobacco product merchant wholesalers.'' Although many different categories of retailers (such as grocery and convenience stores) may sell tobacco products, those most likely to import them are specialty tobacco shops and non-store retailers operating electronically or through delivery services. Table 3 shows the Small Business Administration (SBA) size thresholds for small businesses in each of these categories, as well as the most comparable size categories available from the U.S. Census (Refs. 4, 5, and 6).[13] For cigarette manufacturers and tobacco product retailers, the proportion found to be small will be underestimated because the Census size category is lower than the SBA threshold.

TABLE 3—SBA SIZE STANDARDS AND CENSUS SIZE CATEGORIES FOR TOBACCO PRODUCT MANUFACTURERS AND IMPORTERS

	NAICS	Description of NAICS category	SBA Size Standard (employees or $million)	Census size category (employees or $million)
Tobacco Product Manufacturers:				
	312221	Cigarette Manufacturing	1,000	500
	312229	Other Tobacco Product Manufacturing	500	500
Potential Tobacco Product Importers:				
Wholesalers	424940	Tobacco and Tobacco Product Merchant Wholesalers.	100	100
Retailers	453991	Tobacco Stores	$7.0	$5.00
	454111	Electronic Shopping	$30.0	$25.00
	454113	Mail-Order Houses	$35.5	$25.00

Table 4 shows the number of businesses with employees in each of the categories described previously, the number qualifying as small according to the Census size standard, and the percent qualifying as small. Statistics of U.S. Businesses data from 2008 indicate 79 percent of cigarette manufacturing and 89 percent of other tobacco product manufacturing businesses with employees are small (Ref. 5). These data also show that 91 percent of ''tobacco and tobacco product merchant wholesalers'' qualify as small. Data from the 2007 Economic Census show that 94 percent of tobacco shops with payroll are small, while 98 percent of ''electronic shopping'' and 94 percent of ''mail-order'' retailers are small (Ref. 6). We do not know what proportion of affected entities would fall into each of these categories, but based on the percentages found in Table 4 and the small number of manufacturing firms relative to the total number expected to be affected by this proposed rule (200), it is likely that about 90 percent of the affected entities would be small. This implies that approximately 180 (0.9×200) small entities would be affected.

TABLE 4—ESTIMATED PERCENTAGE OF SMALL FIRMS AMONG FIRMS WITH EMPLOYEES

NAICS	Description of NAICS category	Number of firms	Number of firms below census size standard	Percentage of small firms (%)
312221	Cigarette Manufacturing	19	15	79
312229	Other Tobacco Product Manufacturing	44	39	89
424940	Tobacco and Tobacco Product Merchant Wholesalers.	1,118	1,019	91
453991	Tobacco Stores	4,025	3,793	94
454111	Electronic Shopping	11,646	11,374	98
454113	Mail-Order Houses	5,645	5,281	94

2. Costs for Small Entities

Table 5 shows the potential effect of this rule on small tobacco product manufacturers. Compliance costs are compared to average value of shipments, determined for establishments based on 2002 Census data (Ref. 7). We assume that most small manufacturers operate a single establishment. We use 2002 data rather than 2007 data because 2007 data suppress most information about value of shipments by tobacco product establishment size in order to safeguard confidentiality. The distribution of small tobacco product manufacturing establishments by employment size and the average value of shipments by employment size may have changed since 2002. Therefore, we are uncertain whether the effect of this proposed rule would be the same today as estimated in table 5. With that caveat in mind, we see that the annual compliance cost equals 0.71 percent of average value of shipments for other tobacco product manufacturing establishments with 1 to 4 employees, which could be a substantial portion of profits. There were 38 such other tobacco product manufacturing establishments in 2002, but we do not have enough information to determine how many manufactured cigarettes, snuff, chewing tobacco, or roll-your-own tobacco and would therefore be affected by the proposed rule. Therefore, we are unable to rule out the possibility that this proposed rule would have a significant economic

[13] Tobacco product manufacturers (and importers) are considered small under the FD&C Act if they employ fewer than 350 people. This definition is used in determining the deadline for compliance with certain requirements under the FD&C Act. However, the SBA's definition of small is applicable to the small entity analysis required under the Regulatory Flexibility Act.

impact on a substantial number of small entities.

TABLE 5—POTENTIAL IMPACT ON TOBACCO PRODUCT MANUFACTURERS (BY SIZE)

Type of manufacturing establishment	Average value of shipments (million $)	Annual compliance cost as a percent of average value of shipments	Transition cost as a percent of average value of shipments
Cigarette (All)	2,304	0.00	0.00
Other Tobacco Product (All)	44	0.01	0.00
1 to 4 employees	0.3	0.71	0.04
5 to 9 employees	2	0.16	0.01
10 to 19 employees	4	0.06	0.00
20 to 49 employees	12	0.02	0.00
50 to 99 employees	17	0.01	0.00
100 to 249 employees	64	0.00	0.00
250 to 499 employees	273	0.00	0.00

3. Regulatory Relief

An alternative that might reduce costs for small entities would be to exempt firms from reporting in a particular month if they did not introduce any units of any tobacco products for which user fees are assessed into domestic commerce. A drawback to this approach is that FDA would be unable to distinguish a firm that failed to report from a firm that introduced zero units into domestic commerce in a particular month.

G. Conclusion

Compared with the primary baseline, this proposed rule would impose private costs on industry to submit data to FDA on a monthly basis, with an approximately offsetting reduction in government information collection costs. The net effect of this may be a small social cost or benefit. This proposed rule would also allow FDA to be in control of the data needed for calculating and billing user fees and would resolve impediments that may otherwise exist to FDA's ability to use the data for its intended purpose. Compared with other possible baseline scenarios, this proposed rule can be expected to eliminate the potential need for additional legislation and allow the collection of user fees after 2014 to proceed more smoothly than it could without legislation.

VII. Paperwork Reduction Act of 1995

This proposed rule contains information collection provisions that are subject to review by OMB under the PRA (44 U.S.C. 3501–3520). A description of these provisions is given in the paragraphs that follow with an estimate of the annual reporting burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information. FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Tobacco Products, User Fees, Requirements for the Submission of Data Needed to Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products.

Description: This proposed rule would require each tobacco product domestic manufacturer and importer to submit to FDA information needed to calculate and assess user fees under the FD&C Act.

The USDA has been collecting information to calculate percentage share for its purposes, and providing FDA with the data FDA needs to determine user fee assessments under the FD&C Act. USDA will cease collecting this information starting in fiscal year 2015. Consistent with the requirements of the FD&C Act, this proposed rule would continue the submission of this information, but to FDA rather than USDA, and thus would ensure that FDA continues to have the information needed to calculate the amount of user fees assessed to each entity and collect those fees. Section 919 of the FD&C Act establishes the user fee allocation and collection process, which references the FETRA framework for determining tobacco product class allocations and individual domestic manufacturer or importer allocations. As is now required by USDA under FETRA, the proposed rule would require domestic manufacturers and importers of tobacco products to submit to FDA each month a form with summary information and copies of the reports or forms that relate to the tobacco products removed into domestic commerce.

Description of Respondents: Domestic manufacturers and importers of tobacco products.

TABLE 6—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Hours per response	Total hours
1150.5(a), (b)(1), (b)(2), and FDA Form 3852 General identifying information provided by manufacturers and importers of FDA regulated tobacco products and Identification and removal information (monthly)	200	12	2,400	3	7,200
1150.5(b)(3) Certified Copies (monthly)	200	12	2,400	1	2,400
1150.13 Submission of user fee information (Identifying information, fee amount, etc. (quarterly)	100	4	400	1	400
1150.15(a) Submission of user fee dispute (annually)	1	1	1	10	10
1150.15(d) Submission of request for further review of dispute of user fee (annually)	1	1	1	10	10
Total					10,020

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 6 describes the annual reporting burden of 10,020 hours as a result of the provisions set forth in this proposed rule. Our estimated number of respondents is based on information we received from USDA on the number of reports it receives from domestic manufacturers and importers each month. The estimate of 200 respondents reflects both reports of no removal into domestic commerce and reports of removal of tobacco product into domestic commerce. The estimate of 100 respondents reflects an average number of domestic manufacturers and importers who may be subject to fees each fiscal quarter. Based on our experience with the assessment of user fees for other FDA-regulated products, we estimate that approximately 1 percent might appeal an assessment.

For proposed § 1150.5(a), (b)(1), and (b)(2), FDA estimates that 200 manufacturers and importers will each submit identifying information (*e.g.,* mailing address, telephone number, email address) and summarized tax information on a monthly basis (12 submissions annually) on Form FDA 3852, resulting in a total burden of 7,200 hours (200 respondents × 12 months × 3 hours). For proposed § 1150.5(b)(3), FDA estimates that 200 domestic manufacturers and importers will each submit, on a monthly basis (12 times annually), certified copies of the returns and forms that relate to the removal of tobacco products into domestic commerce and the payment of Federal excise taxes imposed under chapter 52 of the Internal Revenue Code of 1986, resulting in a total burden of 2,400 hours (200 respondents × 12 months × 1 hour per response).

For proposed § 1150.13, FDA estimates that 100 domestic manufacturers and importers will be submitting user fees on a quarterly basis. Therefore, the number of burden hours for this section is 400 hours (100 respondents × 4 times per year submission × 1 hour per response). FDA estimates that approximately 1 percent of those respondents assessed user fees will dispute the amounts under proposed § 1150.15(a), for a total amount of 10 hours (100 respondents × 0.01 × 1 dispute submission × 10 hours per response.) FDA also estimates that of those who dispute their user fees, one will ask for further review by FDA under proposed § 1150.15(d), for a total amount of 10 hours (1 dispute submission × 10 hours per response.) Total burden hours for this rule are 10,020 hours (7,200 + 2,400 + 400 + 10 + 10).

The information collection provisions of this proposed rule have been submitted to OMB for review. Interested persons are requested to fax comments regarding the proposed information collection to the Office of Information and Regulatory Affairs, OMB. 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_submissions @omb.eop.gov.*

VIII. Federalism

FDA has analyzed this proposed rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the proposed rule, if finalized, would not contain policies that would 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. Accordingly, the Agency tentatively concludes that the proposed rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

IX. Comments

Interested persons may submit either written comments regarding this document to the Division of Dockets Management (see **ADDRESSES**) or electronic comments to *http://www.regulations.gov.* It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

X. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and are available electronically at *http://www.regulations.gov.* (FDA has verified the Web site addresses, but FDA is not responsible for any subsequent changes to Web sites after this document publishes in the **Federal Register.**)

1. Memorandum of Understanding on the Sharing of Tobacco Market Share Information Between the Food and Drug Administration, U.S. Department of Health and Human Services and the Commodity Credit Corporation and Farm Service Agency, U.S. Department of Agriculture, August 2009.
2. U.S. Department of Agriculture, ''Determination of the Administrator of the Farm Service Agency and Executive Vice President of the Commodity Credit Corporation Regarding the Current 'Step A' and 'Step B' Assessment Methods in the Tobacco Transition Payment Program,'' *http://www.fsa.usda.gov/Internet/FSA_File/tobacco_determ_11162011.pdf*]).
3. U.S. Department of Agriculture, Commodity Credit Corporation, Form

CCC–974, ''Report of Tobacco Product Removals Subject to Tax for the Tobacco Transition Assessment Program (TTAP).''
4. U.S. Small Business Administration, 2010, Table of Size Standards. *http://www.sba.gov/content/table-small-business-size-standards,* accessed July 2011.
5. U.S. Census Bureau, Statistics of U.S. Businesses (SUSB), Latest SUSB Annual Data, U.S., All Industries, 2008, *http://www.census.gov/econ/susb/accessed* July 2011.
6. U.S. Census Bureau, American FactFinder, Establishment and Firm Size: Summary Statistics by Sales Size of Firms for the United States: 2007, 2007 Economic Census, Retail Trade, Subject Series, *http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_44SSSZ4&prodType=table.*
7. U.S. Census Bureau, American FactFinder, ''2002 Economic Census, Manufacturing: Industry Series: Industry Statistics by Employment Size: 2002,'' *http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2002_US_31I4&prodType=table.*
8. Draft Form FDA 3852.

List of Subjects in 21 CFR Part 1150

Tobacco products, User fees.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that chapter I of title 21 be amended by adding part 1150 to read as follows:

PART 1150—USER FEES

Sec.
1150.1 Scope.
1150.3 Definitions.
1150.5 Required information.
1150.7 Yearly class allocation.
1150.9 Domestic manufacturer or importer assessment.
1150.11 Notification of assessments.
1150.13 Payment of assessments.
1150.15 Disputes.
1150.17 Penalties.

Authority: 21 U.S.C. 371, 387b, 387i, 387s.

§ 1150.1 Scope.

This part establishes requirements related to tobacco product user fees under section 919 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387s). The total amount of user fees may not exceed the amount specified for that fiscal year in section 919(b) of the Federal Food, Drug, and Cosmetic Act. All domestic manufacturers and importers of tobacco products are required to pay to FDA their percentage share of the total assessment for a fiscal year.

§ 1150.3 Definitions.

The following definitions are applicable to this part:

Class of tobacco products means each of the following types of tobacco and tobacco products as defined in 26 U.S.C. 5702 and for which taxes are required to be paid for the removal of such into domestic commerce: Cigarettes, cigars, snuff, chewing tobacco, pipe tobacco, and roll-your-own tobacco.

Domestic manufacturer means a person who is required to obtain a permit from the Alcohol and Tobacco Tax and Trade Bureau of the Department of the Treasury with respect to the production of tobacco products under title 27 of the Code of Federal Regulations.

Fiscal year quarter means a quarter in a fiscal year (the fiscal year is October 1 through September 30). The fiscal year quarters are October 1–December 31, January 1–March 31, April 1–June 30, and July 1–September 30.

Importer means a person who is required to obtain a permit from the Alcohol and Tobacco Tax and Trade Bureau of the Department of the Treasury with respect to the importation of tobacco products under title 27 of the Code of Federal Regulations.

Total assessment means the total amount of user fees (in dollars) authorized to be assessed and collected for a specific fiscal year under section 919 of the Federal Food, Drug, and Cosmetic Act.

Units of product means:

(1) The number of sticks for cigarettes and cigars, or

(2) The weight (measured in pounds) for snuff, chewing tobacco, pipe tobacco, and roll-your-own tobacco.

Units of product removed and not tax exempt means the units of product:

(1) Removed (as defined by 26 U.S.C. 5702), and

(2) Not exempt from Federal excise tax under chapter 52 of title 26 of the United States Code at the time of their removal under that chapter or the Harmonized Tariff Schedule of the United States.

Yearly class allocation means the amount of user fees (in dollars) assessed for a class of tobacco products for a particular fiscal year.

§ 1150.5 Required information.

(a) *General.* Each domestic manufacturer and importer of tobacco products that are part of a class of tobacco products that is subject to regulation under chapter IX of the Federal Food, Drug, and Cosmetic Act must submit the information described in this section for such products each month beginning October 2014. The information must be submitted using the form that FDA provides. The information must be submitted even if the domestic manufacturer or importer had no removals subject to tax during the prior month. FDA will use the information submitted under this section and any other available information to make tobacco product user fee assessments.

(b) *Contents.* Each domestic manufacturer and importer must submit the following:

(1) *Identification information.* (i) Its name and the mailing address of its principal place of business;

(ii) The name and a telephone number including area code of an office or individual that FDA may contact for further information;

(iii) The email address and postal address at which it wishes to receive notifications FDA sends under this part;

(iv) Its Tobacco Tax and Trade Bureau (TTB) Permit Number(s);

(v) Its Employer Identification Number(s) (EIN); and

(2) *Removal information.* The units of product, by class, removed and not tax exempt for the prior month and the Federal excise tax it paid, by class, for such removal.

(i) This information must be reported for each TTB tobacco permit.

(ii) If the domestic manufacturer or importer did not remove any amount of tobacco product, it must report that no tobacco product was removed into domestic commerce.

(3) *Certified copies.* Certified copies of the returns and forms that relate to:

(i) The removal of tobacco products into domestic commerce (as defined by section 5702 of the Internal Revenue Code of 1986); and

(ii) The payment of the Federal excise taxes imposed under chapter 52 of the Internal Revenue Code of 1986.

§ 1150.7 Yearly class allocation.

For each fiscal year, FDA will allocate the total assessment among the classes of tobacco products.

(a) *Calculation.* FDA will calculate the percentage shares for each class as follows:

(1) Except for cigars, FDA will multiply the units of product removed and not tax exempt for the most recent full calendar year by the 2003 maximum Federal excise tax rate for that class (class figure).

(2) For cigars, FDA will calculate the percentage share as follows:

(i) Multiply the units of small cigars removed and not tax exempt for the most recent full calendar year by the 2003 maximum Federal excise tax rate for small cigars (small cigar subclass figure).

(ii) Multiply the units of large cigars removed and not tax exempt for the most recent full calendar year by the 2003 maximum Federal excise tax rate

for large cigars (large cigar subclass figure).

(iii) Add the small cigar subclass figure and the large cigar subclass figure (cigar class figure).

(3) FDA will total the class figures for all tobacco classes for the most recent full calendar year (total figure).

(4) FDA will divide the class figure by the total figure to determine the percentage share for each class.

(5) FDA will calculate the allocation for each class of tobacco products by multiplying the percentage share for each class by the total assessment.

(b) *Reallocation.* For any class of tobacco products that is not deemed by FDA to be subject to regulation under chapter IX of the Federal Food, Drug, and Cosmetic Act, the amount of user fees that would otherwise be assessed to such class of tobacco products will be reallocated to the classes of tobacco products that are subject to chapter IX of the Federal Food, Drug, and Cosmetic Act in the same manner and based on the same relative percentages otherwise determined under paragraph (a) of this section.

§ 1150.9 Domestic manufacturer or importer assessment.

Each quarter, FDA will calculate the assessment owed by each domestic manufacturer or importer for that quarter.

(a) *Calculation.* (1) For each class of tobacco products except cigars, FDA will calculate the percentage share for each domestic manufacturer and importer by dividing the Federal excise taxes that it paid for the class for the prior quarter by the total excise taxes that all domestic manufacturers and importers paid for the class for that same quarter.

(2) [Reserved]

(3) If the percentage share calculated for a domestic manufacturer or importer in this section, as applicable, is less than 0.0001 percent, the share is excluded from the assessment for that class of tobacco products.

(4) Within each class of tobacco products, the assessment owed by a domestic manufacturer or importer for the quarter is the yearly class allocation, determined as described in § 1150.7, divided by four and then multiplied by the domestic manufacturer's or importer's percentage share, truncated to the fourth decimal place, for that class of tobacco products.

(b) *Adjustments.* Annually, FDA will make any necessary adjustments to individual domestic manufacturer or importer assessments if needed to account for any corrections (for example, to include domestic manufacturers or importers that were not included in a relevant assessment calculation).

§ 1150.11 Notification of assessments.

(a) *Notification.* No later than 30 calendar days before the end of each fiscal year quarter, FDA will notify each domestic manufacturer and importer of the amount of the quarterly assessment imposed on the domestic manufacturer or importer.

(b) *Content of notification.* The notification under paragraph (a) of this section will include the following:

(1) The amount of the quarterly assessment imposed on the domestic manufacturer or importer and the date that payment of the assessment must be received by FDA;

(2) Class assessment information, including each class' initial percentage share, the reallocation amount (if any) and each class' percentage share after any such reallocation, and the quarterly assessment for each class;

(3) Domestic manufacturer or importer assessment information, including the domestic manufacturer's or importer's percentage share of each relevant class of tobacco products and invoice amount;

(4) Any adjustments FDA has made under § 1150.9(b);

(5) The manner in which assessments are to be remitted to FDA;

(6) Information about the accrual of interest if a payment is late; and

(7) Information regarding where to send a dispute and when it needs to be sent.

§ 1150.13 Payment of assessments.

(a) Payment of an assessment must be received by FDA no later than the last day of each fiscal year quarter.

(b) Payments must be submitted to FDA in U.S. dollars and in the manner specified in the notification.

(c) Except as provided in paragraph (d) of this section, if an assessment is not received by the last day of the fiscal year quarter, FDA will begin assessing interest on the unpaid amount in accordance with 31 U.S.C. 3717.

(d) If FDA does not send the notification described in § 1150.11(a) 30 calendar days before the end of a quarter, no interest will be assessed by FDA under paragraph (c) of this section until 30 calendar days have elapsed from the date FDA sent notification of the amount owed.

(e) If a domestic manufacturer or importer disputes the amount of an assessment, it must still pay the assessment in accordance with paragraphs (a) and (b) of this section.

§ 1150.15 Disputes.

(a) An entity must submit in writing any dispute regarding an assessment within 45 days of the date on the assessment notification.

(b) If FDA determines that there was an error related to the assessment and the assessment was too high, FDA will refund the amount assessed in error to the domestic manufacturer or importer.

(c) FDA will provide a dated, written response, and its response will provide information about how to submit a request for further Agency review.

(d) A request for further Agency review must be submitted in writing within 30 days from the date on FDA's response.

§ 1150.17 Penalties.

(a) Under section 902(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387b), a tobacco product is deemed adulterated if the domestic manufacturer or importer of the tobacco product fails to pay a user fee assessed to such manufacturer or importer by the later of the date the assessment is due, 30 days from the date FDA sent notification of the amount owed, or 30 days after final Agency action on a resolution of any dispute as to the amount of the fee.

(b) Under section 902(4) of the Federal Food, Drug, and Cosmetic Act, a tobacco product is deemed adulterated if the domestic manufacturer or importer of the tobacco product fails to report the information required by § 1150.5 to calculate assessments under this part.

(c) The failure to report the information required by § 1150.5 to calculate assessments under this part is a prohibited act under section 301(e) of the Federal Food, Drug, and Cosmetic Act.

(d) Information submitted under § 1150.5 is subject to 18 U.S.C. 1001 and other appropriate civil and criminal statutes.

Dated: May 24, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–12927 Filed 5–30–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 15

[Docket No. FR–5624–P–01]

RIN 2501–AD57

Revision of Freedom of Information Act Regulation

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend HUD's regulations implementing the Freedom of Information Act (FOIA). HUD is proposing these amendments to update and streamline HUD's current FOIA regulation. This proposed rule would update HUD's regulations to reflect statutory changes to FOIA, current HUD organizational structure, and current HUD policies and practices with respect to FOIA. Finally, the rule would use current cost figures in calculating and charging fees.

DATES: *Comment Due Date:* July 30, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. All submissions must refer to the above docket number and title. There are two methods for submitting public comments.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0001.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Relay Service at 1–800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dolores W. Cole, Director, FOIA and Executive Correspondence, Executive Secretariat Division, Office of the Chief Human Capital Officer, Department of Housing and Urban Development, 451 7th Street SW., Room 10139, Washington, DC 20410–0500, telephone number 202–402–2671 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Relay Service at telephone number 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

HUD's regulations at 24 CFR part 15 contain the policies and procedures governing public access to HUD records under FOIA (5 U.S.C. 552). Subject to certain statutory exceptions, FOIA gives persons the right to request and receive a wide range of information from any federal agency. FOIA has been amended several times since its enactment in 1966. In 2007, significant amendments to FOIA were made by the Openness Promotes Effectiveness in Our National Government Act of 2007 (OPEN Government Act) (Pub. L. 110–175, approved December 31, 2007). The OPEN Government Act made several amendments to procedural issues affecting FOIA administration, including the protection of fee status for news media, time limits for agencies to act upon FOIA requests, the availability of agency records maintained by a private entity, the establishment of a FOIA Public Liaison and FOIA Requester Service Center, and the requirement to describe the exemptions authorizing the redaction of material provided under FOIA.

In addition to these statutory changes, several policy directives have recently been issued that affect HUD's FOIA program. These policy directives include Presidential Memoranda dated January 21, 2009, entitled ''Freedom of Information Act'' (74 FR 4683, January 26, 2009) and ''Transparency and Openness'' (74 FR 4685, January 26, 2009), which encourage federal agencies to apply a presumption of disclosure in FOIA decision making. As required by the Presidential Memoranda, on March 19, 2009, Attorney General Eric Holder issued comprehensive new FOIA guidelines (see *http://www.justice.gov/ag/foia-memo-march2009.pdf*). The Attorney General's guidance further advises that agencies should release information to the fullest extent of the law, including information that may be legally withheld, provided there is no foreseeable harm to an interest protected by an exemption or the disclosure is not prohibited by law. In addition, the Attorney General's FOIA guidelines emphasized that agencies must have effective systems in place for responding to FOIA requests.

Consistent with this law and guidance, HUD undertook a comprehensive review of its FOIA regulation. As part of this review, HUD looked to the proposed FOIA regulation published by the Department of Justice (DOJ) on March 21, 2011 (76 FR 15236). DOJ intended for these revised regulations to serve as a model for all agencies to similarly use in updating their own FOIA regulations (see *http://www.judiciary.senate.gov/pdf/11-3-15%20Pustay%20Testimony.pdf*). As a result of this review, HUD proposes to revise its FOIA regulation, modeled on DOJ's proposed regulation, to incorporate changes enacted by the OPEN Government Act of 2007, reflect developments in the case law, and include current cost figures for calculating and charging fees. Additionally, this proposed rule would reorganize HUD's current FOIA regulation and eliminate outdated regulatory provisions. Further, the proposed rule would incorporate changes to the language and structure of the regulation. Titled section headings would eliminate the question-and-answer format, as well as the form of address ''you.'' These proposed changes are intended to enhance the administration and operation of HUD's FOIA program by increasing the transparency and clarity of the regulation.

II. Amendments Proposed by This Rule

The following is a section-by-section overview of the amendments proposed by this rule.

§ 15.1 General Provisions

This section would be revised to clarify that the Federal Housing Administration (FHA) and the Government National Mortgage Association (Ginnie Mae) are components of HUD and covered by part 15. This section would also be revised to emphasize that consistent with the January 21, 2009, Presidential Memoranda, HUD may make information routinely provided to the public as part of a regular Department activity available without following this subpart.

§ 15.2 Definitions

This section would be revised by adding a definition for ''agency records'' to mean any documentary material that is either created or obtained by HUD in the transaction of agency business and which is under agency control at the time of the FOIA request, but not records that are not already in existence. HUD is proposing this definition to provide clarity to its FOIA regulation. This section would also update and clarify terms already in the current regulation. Definitions pertaining to fees would be relocated to proposed § 15.106.

HUD is also proposing to restructure this section to clarify that the terms ''Appropriate Associate General Counsel,'' ''Appropriate Regional Counsel,'' and ''Authorized Approving Official'' apply only to subparts C and D of part 15, which address the production or disclosure of any material or the provision of testimony in legal proceedings. HUD is proposing these changes to provide the public with a clearer understanding of the administration and operations of the Department's FOIA program.

§ 15.101 Proactive Disclosures of Department Records

The President's January 21, 2009, memorandum entitled ''Freedom of Information Act'' directs federal agencies to take affirmative steps to make information public, that they should not wait for specific requests from the public, and that they should use modern technology to inform the public. Consistent with this direction, § 15.101 describes the ways in which HUD makes information regarding HUD and its programs more readily available to the public. This section would emphasize HUD's preference for online requests and information access. Specifically, § 15.101 lists certain fundamental information that HUD makes available without request, including final opinions and orders, regulatory authority and statements of policy and interpretation for each HUD program office. Recognizing that the public is interested in information regarding the activities of HUD, § 15.101 would also inform the public that HUD makes frequently requested information available through its electronic FOIA Reading Room. The information includes, but is not limited to, HUD's highest-scoring funding grant applications, HUD handbooks, the list of FHA approved lenders, and a list of homes for sale, as well as information regarding applying for public and Section 8 housing, public housing contact information, and HUD's FOIA logs.

§ 15.102 Requirements for Making Requests for Records

Currently codified § 15.103, which provides guidance regarding obtaining HUD records, would be revised and redesignated as § 15.102. The proposed revisions would provide more detail on the itemized requirements for submitting a FOIA request. One revision in § 15.102 would require requesters to agree to pay for costs that exceed $25 for records search, review, and duplication. HUD is proposing this provision to allow the agency to avoid spending time and resources processing FOIA requests that will not be completed due to the requester's refusal to pay the assessed fees. The revision would also add language that encourages requesters seeking a fee waiver or fee reduction to include such request with their request for information and to describe how the disclosure of the requested information is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Finally, the revision would clarify that requests for HUD records, whether located in HUD Headquarters or HUD field offices, may be submitted by mail, email, facsimile, or the electronic request form located on HUD's FOIA Web site at *http://www.hud.gov*. HUD is proposing these changes to improve efficiency.

§ 15.103 Timing of Responses to Requests

Currently codified § 15.104, which outlines the time periods for HUD to respond to FOIA requests, would be revised and redesignated as § 15.103. Paragraphs (a) and (b) of § 15.103 would incorporate changes enacted by section 6 of the OPEN Government Act, which amends the time limits for complying with FOIA requests and establishes when an agency may toll the statutory time period. First, § 15.103(a) incorporates the provision which provides that the 20-day period for responding to a FOIA request for information begins on the date on which the request is first received by the appropriate agency component designated to receive the request, but not in any event later than 10 days after the request is received by any agency component designated to receive FOIA requests. Second, consistent with the OPEN Government Act, § 15.103(b) would provide that HUD may make one request to the requester for additional information and toll the statutory time period while waiting for receipt of the additional information requested from the requester. This paragraph would also permit HUD to toll the time period to clarify with the requester issues regarding fee assessments. There is no limit given for the number of times that HUD may go back to a requester to clarify issues regarding fee assessments, which may need to be done in stages as the records are being located and processed. In both situations, HUD's receipt of the requester's response to its request for additional information or the resolution of the fee issue would end the tolling period.

Section 15.103(c), which addresses when HUD may extend the time periods for processing a FOIA request, restates and clarifies current § 15.104(c). While § 15.103(c) continues to provide that HUD may extend the time period for processing a request in unusual circumstances, HUD is revising the provision for clarity, emphasizing examples of what may constitute unusual circumstances.

Finally, consistent with 5 U.S.C. 552(a)(6)(B)(iv), § 15.103(d) would provide that HUD may aggregate certain requests submitted by the same requester or by a group of requesters acting in concert. Accordingly, HUD proposes to aggregate multiple requests when HUD determines that certain requests are from the same requester or from a group of requesters acting in concert and the requests involve clearly related matters. This change would allow HUD to more effectively respond to multiple requests for information that are clearly related.

§ 15.104 Procedures for Processing FOIA Requests

Currently codified § 15.105, which discusses how HUD will respond to FOIA requests, would be revised, and redesignated as § 15.104, for clarity and to increase transparency in HUD's

processing of FOIA requests. Section 15.104(a) would provide that unless a request is deemed ''expedited'' as set forth in proposed § 15.104(c), HUD generally responds to FOIA requests in order of receipt. Responding to requests in the order of receipt is not new, being that it currently is codified in § 15.105(a). HUD proposes revising this section, however, for clarity and to increase transparency in HUD's processing of FOIA requests.

Section 15.104(b) is new and implements section 7(a) of the OPEN Government Act, which requires agencies to assign a tracking number for each request and provide requesters with information regarding the status of their request.

Section 15.104(c) would clarify HUD's use of expedited processing, consistent with 5 U.S.C. 552(a)(6)(E), which requires agencies to promulgate regulations that provide for the expedited processing of requests if the requester demonstrates a compelling need, or in other cases as determined by the agency. Section 15.104(c) would restructure for clarity currently codified § 15.105(b), which specifies the circumstances that constitute a compelling need. Specifically, § 15.104(c) would provide that HUD may expedite processing of a request if it determines that the request is: (1) One that involves circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, (2) a circumstance in which an urgent need of a person primarily engaged in disseminating information exists to inform the public about an actual or alleged federal government activity, or (3) one where there exists risk of loss of substantial due process rights. Section 15.104(c)(3) would provide that requests for expedited processing contain a detailed explanation of the basis for such request, which is certified as true and correct to the best of the requester's knowledge and belief. HUD is proposing these changes to allow it to more effectively respond to requests for expedited processing.

Finally, § 15.104(d) would restate and revise current § 15.105(a) to provide that HUD may use two or more processing tracks by distinguishing between simple and more complex requests based on the amount of time and work needed to process the request. Section 15.104(d)(2) would clarify that HUD may provide requesters on a slower track an opportunity to limit the scope of their request in order to qualify for faster processing consistent with § 15.104(c).

§ 15.105 Responses to Requests

Currently codified § 15.106 would be revised and redesignated as § 15.105. HUD is proposing revisions to describe in greater detail the process by which HUD responds to FOIA requests. Section 15.105(a) would update HUD's FOIA regulation to reflect current HUD organizational structure. Section 15.105(a) would also provide that an acknowledgement letter be sent to each requester, confirming receipt of the request by the appropriate HUD office and providing an assigned tracking number, as proposed by § 15.104(b). Consistent with current § 15.104(c), § 15.105(b) would provide that, if the FOIA request seeks agency records in HUD's possession that originated with or are of primary interest to another agency, HUD may either respond to the request after consultation or coordination with the other agency or refer the request to the other agency for processing. Finally, § 15.105(d) would substantially expand current § 15.106(b) by identifying who is authorized to deny a FOIA request on behalf of HUD, describing the process by which the requester is given notification of the denial, and providing examples of determinations that constitute a denial of a FOIA request. Section 15.105(d) would also provide that denials of FOIA requests, in whole or in part, not only must be made in writing and include the name and title or position of the denying employee or officer, a statement of the reasons for the denial, and a statement of appeal rights, but must also include an estimate of the volume of records denied, when appropriate, and an indication of the exemption under which any deletions have been made, unless doing so would harm an interest protected by the exemption. HUD is making these changes to implement section 12 of the OPEN Government Act and to eliminate the confusion experienced by requesters whose FOIA requests are denied in whole or in part. Section 12 requires agencies to indicate the exemption under which a deletion is made directly on the released portion of the record unless doing so would harm an interest protected by the exemption.

§ 15.106 Fees

Section 15.106 would provide the general basis by which HUD will assess fees, and would partially incorporate provisions of current § 15.110. Significantly, § 15.106(a) would provide that HUD will collect applicable fees prior to sending copies of requested information to the requester. Section 15.106(a) also would provide that payment be in the form of a check or money order made payable to the United States Treasury.

Section 15.106(b) is new and would define various terms and activities applicable to HUD's processing of FOIA requests. HUD's definition of ''commercial use'' would parallel the description of ''commercial user requester'' in current § 15.110(b)(1). Should HUD determine that the requested information is to be used for commercial purposes, HUD would provide the requester with a reasonable opportunity to clarify the use to which the requester seeks to put the information. ''Direct costs'' would be defined to mean those expenses that HUD actually incurs in searching for and duplicating and, in the case of commercial use requests, reviewing records to respond to a FOIA request. HUD would explicitly include as direct costs the salary of the employee performing the work and the cost of operating computers and other electronic equipment. The definition of ''duplication'' would be moved to § 15.106(b) and would indicate that HUD will honor the requester's specified preference of form or format of disclosure if the record is readily reproducible, with reasonable efforts, in the requested form or format. Similarly, the definition of ''educational institution'' would be moved to § 15.106(b) and revised by adding that, to be in this category, a requester must show that the request is authorized by, and is made under the auspices of, a qualifying institution and that the records are not sought for a commercial use but are sought to further scholarly research. Records requested for the intention of fulfilling credit requirements are not considered to be sought for a scholarly purpose. ''Noncommercial scientific institution'' would be defined parallel to the description of ''noncommercial scientific institution requester'' in current § 15.110(b)(3), and be revised by adding that, to be in this category, a requester should show that the request is authorized by, and is made under the auspices of, a qualifying institution and that the records are not sought for a commercial use but are sought to further scientific research. Finally, ''representative of the news media'' would be defined in a manner that tracks the definition provided in section 3 of the OPEN Government Act.

Section 15.106(c) would establish the manner in which HUD would charge fees for its records search, review, duplication, and certification, and would charge for other services provided in response to a FOIA request.

These changes are consistent with DOJ guidance and the practice of other federal agencies. For document search and review, HUD proposes to charge $13 per quarter hour for professional staff and $6 per quarter hour for staff personnel involved in the search for and review of documents, and to roundup to the next quarter hour for professional and clerical search and review services that exceed a quarter-hour. Once the records search and review are complete, HUD would assess duplication costs at $0.18 per page for each paper record copied. This amount would not be increased from that provided for under current § 15.110(c). Duplication costs for media copies would be the actual cost of the media. Section 15.106(b) would define ''direct costs'' to include expenses that HUD actually incurs in searching for records responsive to a FOIA request and would include the cost of operating computers and electronic equipment. Consequently, HUD proposes to charge the direct costs of any programming services required to conduct a search, including the cost associated with the creation of a new program to locate the requested records. Under proposed § 15.106(c), application of these fees to the category of requester would not change from that currently provided under § 15.110(c).

Section 15.106(d) would provide restrictions on HUD's charging of fees, and is similar to § 15.110 in that it provides that no search or review fee will be charged for requests submitted by educational institutions, noncommercial scientific institutions, or representatives of the news media. If HUD fails to comply with the applicable time limits in which to respond to a request, and no unusual or exceptional circumstance exists, this section would provide that HUD may not charge search fees or, in the instances of requests from educational institutions, noncommercial scientific institutions, and representatives of the media, duplication fees. Identical to current § 15.110(g), proposed § 15.106(d) would provide that HUD will not charge a fee if the total cost to respond to the request does not exceed $25.

Section 15.106(e) would provide that HUD will notify the requester when it estimates or determines that the fees for a FOIA request will exceed $25. Under this proposal, HUD will not perform further work on the request until the FOIA requester either makes a written, firm commitment to pay the anticipated additional costs or pays these additional costs. The failure of the requester to provide a firm commitment to pay the anticipated fee, within the time period specified by HUD, will result in the request being closed. HUD is proposing this provision to avoid spending time and resources processing FOIA requests that will not be completed due to the requester's refusal to pay the assessed fees.

Section 15.106(f) would reserve to HUD the right to provide special services, such as certifying the records, to a requester at the direct cost of such services. Proposed § 15.106(g) would incorporate the substance of current § 15.110(j), but would provide that interest is charged on unpaid fees, pursuant to the Debt Collection Act of 1982, as amended (5 U.S.C. 5514; 31 U.S.C. 3701 *et seq.*), beginning on the 31st day after the billing date. Section 15.106(h) would incorporate, without substantial alteration, current § 15.110(e) by stating that HUD may aggregate FOIA requests for purposes of assessing fees when the FOIA requests are related in purpose and HUD reasonably believes that the FOIA requests were submitted separately to avoid or reduce applicable fees. HUD proposes, however, to add that aggregation of requests for fee purposes will be conducted independent of aggregation of requests for purposes of establishing the time to respond under § 15.103(d).

Section 15.106(i) would describe when and how HUD may request advance payment before processing a FOIA request. Specifically, HUD would require advance payment when it determines that a total fee to be charged exceeds $250. Consistent with current § 15.110(i), it would also provide that when a requester has previously failed to pay a properly charged FOIA fee to HUD within 30 days of the date of billing, HUD may require the requester to pay the full amount due, plus any applicable interest, and to make an advance payment of the full amount of any anticipated fee before HUD begins to process a new request or continues to process a pending request from that requester. Section 15.106(j) is new and would add a provision that advises requesters that the fee schedule does not apply to records for which a fee is specifically established by statute. HUD proposes notifying requesters when records responsive to their requests are subject to a statutorily based fee schedule.

Finally, § 15.106(k) would update current § 15.110(h) by providing additional detail as to what factors HUD considers to determine whether a waiver or reduction of fees is warranted. Section 15.106(k)(1) establishes two requirements that must be met for HUD to consider a reduction or waiver of fees, specifically: (1) the disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) the disclosure of the information is not primarily in the commercial interest of the requester. Paragraphs (k)(2) and (k)(3) of § 15.106 would list the factors that HUD will consider to determine whether the disclosure is in the public interest and is primarily in the commercial interest of the requester. Section 15.106(k)(4) would clarify that if a fee waiver requirement is met for only a portion of a FOIA request, HUD may waive or reduce fees only for that portion of the request. Section 15.106(k)(5) would require a requester seeking a fee waiver or reduction to submit evidence demonstrating that the FOIA request meets the criteria set forth in this section. HUD, in deciding to grant waivers or reductions of fees, may also consider the cost effectiveness of its investment of administrative resources. These amendments would update the waiver processes to be consistent with the current law and government practice, as well as the Office of Management and Budget (OMB) Fee Guidelines, and to clarify them for the public.

§ 15.107 Documents Generally Protected From Disclosure

Section 15.107 incorporates and revises current § 15.3 by describing the nine FOIA exemptions that protect various records from disclosure (5 U.S.C. 552(b)). For clarity and enhanced transparency, this section would describe how HUD generally applies each exemption. Specifically, HUD seldom relies on Exemption 1 (classified documents). Exemption 2 (internal agency rules and practices) protects records relating to internal personnel rules and practices. With regard to Exemption 3 (information prohibited from disclosure by another statute), this section would cite the statutory provisions that prohibit the disclosure of competitive proposals submitted prior to contract award and covered selection information that might provide a grant applicant an unfair competitive advantage. HUD proposes to address Exemption 4 (commercial or financial information) in § 15.108.

Interagency and intra-agency communications are protected from disclosure under Exemption 5. With regard to Exemption 6 (personal privacy), HUD generally will not disclose the names, addresses, telephone numbers, and email addresses of persons residing in public or assisted housing or of borrowers in FHA-insured

single family mortgage transactions. Exemption 7 (law enforcement records) protects the disclosure of the names of individuals who have filed fair housing complaints, as well as the names of confidential informants. It also protects techniques and procedures for law enforcement investigations, or guidelines for law enforcement investigations if such disclosure could reasonably be expected to risk circumvention of the law. With regard to Exemption 8 (supervision of financial institutions), HUD proposes to provide that it is considered an ''agency responsible for the regulation and supervision of financial institutions'' for purposes of monitoring fair housing compliance. Finally, for comprehensiveness, HUD includes a citation to Exemption 9 (wells).

§ 15.108 Business Information

Section 15.108 would significantly revise current § 15.108, and describe in detail the procedures HUD will follow when responding to FOIA requests for agency records containing business information. Current § 15.108(a) provides only that HUD may not disclose business information that it considers confidential or which contains financial information, except as provided by the section. Proposed § 15.108(a) restates this provision, but adds a specific reference to Executive Order 12600, ''Predisclosure notification procedures for confidential commercial information'' (52 FR 23781, June 25, 1987), as the basis for notifying submitters of confidential commercial information when HUD has received a request for such information. The section would emphasize that HUD relies extensively upon information provided by the affected submitter in determining whether the information is confidential and subject to notice provisions. Section 15.108(a) would also explicitly state HUD's expectation that if sued under FOIA for nondisclosure of confidential business information, the affected business will cooperate to the fullest extent possible in defending that decision.

Section 15.108(b) would place an affirmative duty on submitters to use good faith efforts to designate, at the time of submission, business information they consider to be protected from disclosure under Exemption 4 (5 U.S.C. 552(b)(4)). This section also protects business information from disclosure for 10 years after the date of the submission, unless the submitter justifies a longer designation period.

As provided by current § 15.108(c), proposed § 15.108(c) provides that HUD will, unless exempted by § 15.108(g), notify the submitter if HUD receives a request for agency records containing information that the submitter has designated as business information.

Section 15.108(d) clarifies when such notice is required and incorporates language currently codified in § 15.108(c). Section 15.108(e) provides that if HUD notifies a submitter that the agency may be required to disclose information the submitter has designated as ''business information,'' HUD would allow the submitter a reasonable time to object to the proposed disclosure. Consistent with § 15.108(a), submitters who object to the disclosure of information would be requested to demonstrate why the information should be protected as a trade secret or commercial or financial information. Conclusory statements generally would not provide a basis for HUD to protect the information as confidential. HUD proposes to provide that a submitter's failure to respond to HUD's notice within the specified time period will be treated as the submitter not objecting to disclosure of the information.

Section 15.108(f) would provide that HUD will consider the objections of the submitter and, unless exempted by § 15.108(g), notify the submitter in writing of HUD's final decision to disclose the information. Section 15.108(g) would describe the instances when HUD is not required to give the submitter notice that the agency may be required to disclose information that the submitter has designated as ''business information.'' These exceptions generally are identical to those currently codified at paragraphs (c)(2), (c)(3), and (c)(4) of § 15.108, and include: (1) Where HUD determines that the information should not be disclosed; (2) where the information has been made publicly available; or (3) where the disclosure is required by law (other than FOIA) or regulation. Finally, consistent with § 15.108(a), § 15.108(h) proposes that HUD will notify the submitter should FOIA lawsuits be filed by requesters. Section 15.108(i) would provide for corresponding notice to requesters.

§ 15.109 Mortgage Sales

Section 15.109 makes minor, nonsignificant changes to current § 15.109. For example, HUD would revise the title of the section to clarify that the provisions set forth in this section apply to mortgage sales (Form HUD–92410, Statement of Profit and Loss). Substantially, proposed § 15.109 is identical to § 15.109 as currently codified. The minor changes would clarify the section and facilitate readability.

§ 15.110 Appeals

Section 15.110 renumbers and revises currently codified § 15.111 and describes the appeals process to a FOIA request determination. To streamline HUD's FOIA process and streamline the appeals procedure for the public, § 15.110 would consolidate the process for all appeals regardless of whether the subject of the appeal is a denial of information, an adverse fee determination, or a denial of a request for expedited processing. In addition, § 15.110 would incorporate those provisions currently codified § 15.112(a), which establishes the length of time by which HUD will respond to requests for appeal.

Section 15.110(a) would provide that appeals should include the assigned tracking number proposed by § 15.104(b). It would also provide that appeals be marked ''Freedom of Information Act Appeal'' to facilitate HUD's response. Similar to currently codified § 15.111, it would provide that appeals be postmarked within 30 calendar days of the date of HUD's determination and that transmittal of an appeal by means other than the United States Postal Service be received by close of business on the 30th day after the date of HUD's determination.

Section 15.110(b) would maintain the length of time by which HUD will respond to appeals, specifically 10 working days after the date of receipt for appeal of a denial of expedited processing and 20 working days after the date of receipt for all other appeals, unless unusual circumstances require that HUD extends the time for an additional 10 working days.

Section 15.110(c) would provide a consolidated list of information that should be included in an appeal, regardless of type. Generally, appeals should include a copy of the original request, a copy of the adverse determination, a statement of facts and legal arguments supporting the appeal, and any additional information the appellant wishes to include.

Finally, § 15.110(d) is new and provides that requesters should exhaust all administrative remedies before seeking judicial review of HUD's adverse determinations.

§ 15.111 HUD Response to Appeals

Section 15.111 provides the process by with HUD will respond to appeals. Significantly, § 15.111(a) provides that the appellate official will conduct a de novo review of the entire record and applicable law when making a decision.

This section would provide that HUD's decision on the appeal would be considered the final action of HUD. Paragraphs (b), (c), and (d) of § 15.111 list the options available to the appellate official with regard to the appeal of denial of records, appeal of fee determinations, and appeal of denial of expedited processing, respectively. The options listed are those currently codified in § 15.112(b), but redrafted for clarity.

IV. Findings and Certifications

Executive Order 12866 and Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if the regulation is necessary, to select the regulatory approach that maximizes net benefits. Because this rule would incorporate changes enacted by the OPEN Government Act of 2007 and otherwise would update and streamline HUD's current FOIA regulation, this rule was determined to not be a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and therefore was not reviewed by OMB.

Environmental Impact

This rule is categorically excluded from environmental review under the National Environmental Policy Act (42 U.S.C. 4321). The revision of the FOIA-related provisions of 24 CFR part 15 falls within the exclusion provided by 24 CFR 50.19(c)(1), in that it does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would establish the process by which HUD would respond to requests for information under FOIA. Costs assessed by HUD for search, review, and duplication required to process the information requested by a requester are limited by FOIA to direct costs and are not economically significant. As a result, the proposed rule would not have a significant economic impact on a substantial number of small entities.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule would not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This proposed rule would not impose any federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of the Unfunded Mandates Reform Act of 1995.

List of Subjects in 24 CFR Part 15

Classified information, Courts, Freedom of information, Government employees, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, HUD proposes to amend 24 CFR part 15 as follows:

PART 15—PUBLIC ACCESS TO HUD RECORDS UNDER THE FREEDOM OF INFORMATION ACT AND TESTIMONY AND PRODUCTION OF INFORMATION BY HUD EMPLOYEES

■ 1. The authority citation for 24 CFR part 15 is revised to read as follows:

Authority: 42 U.S.C. 3535(d).

Subparts A and B also issued under 5 U.S.C. 552.

Section 15.107 also issued under E.O. 12958, 60 FR 19825, 3 CFR Comp., p333.

Subparts C and D also issued under 5 U.S.C. 301.

■ 2. Revise subpart A to read as follows:

Subpart A—General Provisions

Sec.
15.1 General provisions.
15.2 Definitions.

§ 15.1 General provisions.

(a) *Scope.* Requests for material from HUD will be processed as set forth in this part. The Federal Housing Administration and the Government National Mortgage Association are components of HUD and are also covered by this part.

(b) *Subpart B.* Subpart B of this part contains the rules that HUD follows in processing requests for records under the Freedom of Information Act (FOIA) (5 U.S.C. 552). These rules should be read together with the FOIA, which provides additional information about access to records maintained by HUD. Information routinely provided to the public as part of a regular Department activity may be provided to the public without following this subpart.

(c) *Subpart C.* Subpart C of this part describes the procedures to be followed and standards to be applied in processing demands for the production of material or provision of testimony in legal proceedings among private litigants.

(d) *Subpart D.* Subpart D of this part describes the procedures to be followed and standards to be applied in processing demands for the production of material or provision of testimony in legal proceedings in which the United States is a party.

(e) *Inspector General.* Subparts B and C of this part do not apply to the Office of the Inspector General. The procedures that apply to the Office of the Inspector General are described in parts 2002 and 2004 of this title.

§ 15.2 Definitions.

(a) The following definitions apply to this part.

Agency records means any documentary material that is either created or obtained by an agency in the transaction of agency business and is under agency control. ''Agency record'' does not include records that are not already in existence and that would have to be created specifically to meet a request.

Business information means commercial or financial information provided to HUD by a submitter that arguably is protected from disclosure under Exemption 4 (42 U.S.C. 552(b)(4)) of FOIA.

FOIA means the Freedom of Information Act (5 U.S.C. 552).

HUD means the Department of Housing and Urban Development.

Review means the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. Review time includes processing any record for disclosure (for example,

doing all that is necessary to redact it and prepare it for disclosure). Review costs are recoverable even if a record ultimately is not disclosed. Review time includes time spent considering any formal objection to disclosure, made by a business submitter under § 15.108, but does not include time spent resolving general legal or policy issues regarding the application of exemptions.

Search means the process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of information within records and also includes reasonable efforts to locate and retrieve information from records maintained in electronic form or format.

Secretary means the Secretary of Housing and Urban Development.

Submitter means any person or entity that provides business information, directly or indirectly, to HUD. The term includes, but is not limited to, corporations, State governments, and foreign governments.

(b) The following definitions apply to subparts C and D of this part.

Appropriate Associate General Counsel means the Associate General Counsel for Litigation or the Associate General Counsel for HUD Headquarters employees in those programs for which the Associate provides legal advice.

Appropriate Regional Counsel means the Regional Counsel for the Regional Office having delegated authority over the project or activity with respect to which the information is sought. For assistance in identifying the Appropriate Regional Counsel, see appendix A to this part.

Authorized Approving Official means the Secretary, General Counsel, Appropriate Associate General Counsel, or Appropriate Regional Counsel.

Demand means a subpoena, order, or other demand of a court or other authority that is issued in a legal proceeding and any accompanying submissions.

Employee of the Department means a current or former officer or employee of the United States appointed by or subject to the supervision of the Secretary, but does not include an officer or employee covered by part 2004 of this title.

Good cause means necessary to prevent a miscarriage of justice or to promote a significant interest of the Department.

Legal proceeding includes any proceeding before a court of law or other authority; *i.e.,* an administrative board or commission, a hearing officer, an arbitrator or other body conducting a quasi-judicial or legislative proceeding.

Legal proceeding among private litigants means any legal proceeding in which the United States is not a party.

Legal proceeding in which the United States is a party means any legal proceeding including as a named party the United States, the Department of Housing and Urban Development, any other federal executive or administrative agency or department, or any official thereof in his official capacity.

Material means either documents or information contained in, or relating to contents of, the files of the Department or documents or information acquired by any person while such person was an employee of the Department as a part of the performance of his or her official duties or because of his or her official status.

Production means to produce material by any means other than through the provision of oral testimony.

Testimony means any oral or written statements made in litigation under oath or penalty of perjury.

United States means the Federal Government of the United States (including the Department), the Secretary, and any employees of the Department in their official capacities.

■ 3. Revise subpart B to read as follows:

Subpart B—Procedures for Disclosure of Records Under the FOIA

Sec.
15.101 Proactive disclosures of department records.
15.102 Requirements for making requests for records.
15.103 Timing of responses to requests.
15.104 Procedures for processing FOIA requests.
15.105 Responses to requests.
15.106 Fees.
15.107 Documents generally protected from disclosure.
15.108 Business information.
15.109 Mortgage sales.
15.110 Appeals.
15.111 HUD response to appeals.

§ 15.101 Proactive disclosures of department records.

(a) *In General.* Records that are required to be made available for public inspection and copying are accessible on the Department's Web site at *http://www.hud.gov*. Published agency records, whether or not they are available for purchase, are made available for examination. Each HUD office (Headquarters and field) has a FOIA Public Liaison that can assist individuals in locating records. A list of the Department's FOIA Public Liaisons is available at *http://www.hud.gov*.

(b) *Electronic FOIA reading room.* As required by 5 U.S.C. 552(a)(2), HUD makes available records created on or after November 1, 1996, through its electronic FOIA Reading Room, located on HUD's FOIA Web site at *http://www.hud.gov*. These records include:

(1) Final opinions and orders.

(2) Public access to high value, machine readable datasets via Data.gov.

(3) Statements of policy and interpretation, including:

(i) HUD's Client and Information Policy System (HUDCLIPS);

(ii) Housing policy;

(iii) Public and Indian Housing policy and regulations;

(iv) Public and Indian Housing policy and guidance (PHA Plans); and

(v) Community Planning and Development policy and guidance.

(4) Administrative staff manuals.

(5) HUD's online library.

(6) Fair housing information.

(c) *Frequently requested materials.* HUD also makes available frequently requested materials on its FOIA Web site at *http://www.hud.gov*. These frequently requested materials include information related to:

(1) Highest-scoring funding grant applications.

(2) Purchase charge cardholders.

(3) FHA refunds.

(4) FHA-approved lenders.

(5) Homes for sale.

(6) How to buy a HUD home.

(7) How to apply for public housing and Section 8 housing.

(8) Housing for the elderly.

(9) Housing for individuals with disabilities.

(10) HUD contracting home page.

(11) FHA mortgage insurance programs.

(12) HUD handbooks.

(13) HUD programs.

(14) HUD telephone directory.

(15) HUD homes listings.

(16) HUD's organization.

(17) Multifamily housing data.

(18) Public housing authority contact information.

(19) Weekly listing of multifamily properties for sale.

(20) Catalog of Federal Domestic Assistance (CFDA) materials.

(21) Grants.

(22) FOIA request logs.

§ 15.102 Requirements for making requests for records.

(a) *In general.* Any request for HUD records must be in writing and submitted to the FOIA Public Liaison in the HUD field office where the records are located or to the Office of the Executive Secretariat in HUD Headquarters if the request is for records located in HUD Headquarters.

(b) *HUD field office records.* Requests for records located in a HUD field office may be submitted to the public liaison

at the field office by mail (including courier or delivery service), email, or facsimile.

(c) *HUD headquarters records.* Requests for records located in HUD Headquarters may be submitted via an electronic request form on HUD's FOIA Web site at *http://www.hud.gov.* Requests can also be submitted to the Office of the Executive Secretariat in HUD headquarters in person or by mail (including courier or delivery service), email, or facsimile.

(d) *Form of requests.* FOIA requests should:

(1) Be in writing and clearly identifiable as a FOIA request. To facilitate identification, the requester should place the phrase ''FOIA Request'' on the front of the envelope or on the cover sheet or other transmittal document used when submitting the request in person or by mail, email, facsimile, or electronic request form;

(2) Include, whenever possible, detailed and specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. The more specific the FOIA request for records, the more likely HUD officials will be able to locate the records requested. Requests for categories of information should be for specific and well-defined categories. Insufficient descriptions may lead HUD officials to contact the requester to seek additional information for their record search;

(3) Indicate the form or format in which the requester would like the record made available, if the requester has a preference;

(4) Specify the fee amount the requester is willing to pay. In general, HUD provides records at no cost up to $25. Requesters are required to agree to pay for any costs that exceed $25. Requesters may also request a dollar amount above which HUD should consult with them before they agree to pay the fee. If a requester seeks a fee waiver or reduction, the requester should include this request with the FOIA disclosure request, and should describe, consistent with § 15.106(k), how the disclosure of the requested information is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester;

(5) Indicate the fee category that the requester believes applies to each of his or her requests. Fee categories are defined in § 15.2 and § 15.106(b);

(6) Include verifying information of the requester's identity, if the requester requests agency records pertaining to the requester, a minor, or an individual who is legally incompetent, pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. 552a. Information about what constitutes acceptable verifying information can be found in HUD's Privacy Act regulations in 24 CFR part 16;

(7) Contain signed authorization from the other person, if the requester makes a request on another person's behalf for information about that person. If necessary, HUD will inform the requester of the authorization needed from the other person and give the requester an opportunity to provide authorization. Requests for information about another person should be accompanied by either written, notarized authorization or proof that the individual is deceased (for example, a copy of a death certificate or obituary), or that request will be deemed insufficient; and

(8) Contain a detailed explanation of the basis for the request, if the requester makes a request for expedited processing as provided by § 15.104(d). The requester should also include a statement certifying the truth of the circumstances alleged or other evidence, acceptable to HUD, of the requester's compelling need.

§ 15.103 Timing of responses to requests.

(a) *In general.* HUD will generally respond to a FOIA request within 20 working days, depending on the size of the request. The 20-day period will begin on the day the request is first received by the appropriate component of HUD, but in any event not later than 10 working days after the request is first received by any component of HUD designated to receive FOIA requests.

(b) *Tolling the 20-day time period.* Under the OPEN Government Act of 2007, HUD may toll the 20-day period:

(1) One time to make one reasonable request for additional information from the requester; or

(2) As many times as necessary to clarify fee assessment issues with the requester. The agency's receipt of the requester's response to the agency's request for information or resolution of all fee assessment issues ends the tolling period.

(c) *Extension of time periods for processing a request.* In unusual circumstances, as defined in this paragraph, HUD may extend the time period for processing a FOIA request. If processing a request would require more than 10 working days beyond the general time limit established in paragraph (a) of this section, HUD will offer the requester an opportunity to limit the scope of the request so that HUD may process it within the extra 10-day working period or arrange an alternative time period within which the FOIA request will be processed. For purposes of this section, unusual circumstances include:

(1) The need to search for and collect records not located in the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records; or

(3) The need to consult with another government agency or two or more HUD components having a substantial interest in the determination of the FOIA request.

(d) *Aggregating multiple requests.* HUD may aggregate multiple requests in cases where unusual circumstances exist and HUD determines that:

(1) Certain requests from the same requester or from a group of requesters acting in concert actually constitute a single request; and

(2) The requests involve clearly related matters.

Aggregation of requests for this purpose will be conducted independent of aggregation of requests for fee purposes under § 15.106(h).

§ 15.104 Procedures for processing FOIA requests.

(a) *In general.* HUD will ordinarily respond to FOIA requests according to their order of receipt.

(b) *Tracking number.* FOIA requests will be logged in as received and assigned a tracking number. A requester should use the tracking number to identify his or her request when contacting the FOIA Office for any reason.

(c) *Expedited processing.* (1) Requests and appeals will be taken out of order and given expedited treatment whenever it is determined that they involve:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(ii) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information; or

(iii) The loss of substantial due process rights.

(2) A request for expedited processing may be made at the time of the initial request for records or at any later time. For a prompt determination, a request for expedited processing should be received by the proper office designated to receive FOIA requests as provided in § 15.102.

(3) A requester that seeks expedited processing should submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. For example, a requester who makes a request under paragraph (c)(1)(ii) of this section, if not a full-time member of the news media, should establish that he or she is a person whose main professional activity or occupation is information dissemination, though it need not be his or her sole occupation. A requester making a request under paragraph (c)(1)(ii) of this section also should establish a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity generally. The formality of certification may be waived as a matter of administrative discretion.

(4) HUD will make a determination whether to grant or deny a request for expedited processing within 10 calendar days of receipt by the appropriate component of HUD as provided in § 15.102 and notify the requester of HUD's determination. FOIA requests accepted for expedited processing will be processed as soon as practicable and on a priority basis.

(d) *Multitrack processing.* (1) For requests that do not qualify for expedited processing, HUD may use two or more processing tracks by distinguishing between simple and more complex FOIA requests based on one or more of the following: The time and work necessary to process the FOIA request, the volume of agency records responsive to the FOIA request, and whether the FOIA request qualifies for expedited processing as described in paragraph (c)(2) of this section.

(2) When HUD uses multitrack processing, it may provide requesters in its slower track(s) an opportunity to limit the scope of their requests in order to qualify for faster processing within the specified limits of HUD's faster track(s). When HUD chooses to provide this option, HUD will contact the requester either by telephone, letter, or email, whichever is more efficient in each case.

§ 15.105 Responses to requests.

(a) *Acknowledgements of requests.* The FOIA Office of the Office of the Executive Secretariat in HUD Headquarters and the FOIA Public Liaison in each HUD field office will ordinarily send an acknowledgement letter to the requester that will confirm receipt of the request by the appropriate HUD office and provide an assigned tracking number as provided by § 15.104(b) for further reference.

(b) *Consultations, coordination, and referrals.* When HUD receives a request for a record in its possession, it shall determine whether another agency of the Federal Government is better able to determine whether the record is exempt from disclosure under the FOIA or whether it should be disclosed as a matter of administrative discretion. If HUD determines that it is best able to determine whether the record is exempt from disclosure, then it shall do so. If HUD determines that it is not best able to make that determination, then it shall either:

(1) Respond to the request regarding that record, after consulting with the agency best able to determine whether to disclose it and with any other agency that has a substantial interest in it; or

(2) Refer the responsibility for responding to the request regarding that record to the agency that originated the record, but only if that agency is subject to the FOIA. Ordinarily, the agency with which the record originated will be presumed to be best able to determine whether to disclose it.

(c) *Fee estimates.* HUD will notify the requester if HUD's estimate of the fee is more than the requester has agreed to pay. Consistent with § 15.106(e), the requester shall have 15 working days to either agree to pay the higher fee or to reformulate the request so that it can be processed at an amount that is agreeable to the requester.

(d) *Forms of response.* (1) *Granting requests in whole or in part.* Once HUD makes a determination to grant a request in whole or in part, it will notify the requester in writing. HUD will make a record available in the form or format requested, if the record is readily reproducible in that format. HUD will inform the requester in the notice of any fee charged under § 15.106 and disclose records to the requester promptly upon payment of any applicable fee. Records disclosed in part will be marked or annotated to show the amount of information deleted and the exemption(s) under which each deletion is made, unless doing so would harm an interest protected by an applicable FOIA exemption. The location of the information deleted and the exemption(s) under which the deletion is made will be indicated directly on the record itself, if technically feasible.

(2) *Adverse determination of requests.* If a determination is made to deny a request in any respect, HUD shall notify the requester of that determination in writing. Adverse determinations, or denials of requests, include: a determination to withhold any requested record, in whole or in part; a determination that a requested record does not exist, cannot be located, or has not been retained; a determination that a record is not readily reproducible in the form or format sought by the requester; a determination that what has been requested is not a record subject to the FOIA; a determination on any disputed fee matter, including a denial of a request for a fee waiver or reduction; and a denial of a request for expedited treatment. The denial letter shall be signed by the Executive Secretariat or a designee of the Executive Secretariat in HUD Headquarters or the FOIA Public Liaison for the HUD field office where the adverse determination was made, and shall include:

(i) The name and title or position of the person responsible for the denial;

(ii) A brief statement of the reason(s) for the denial, including any FOIA exemption applied by HUD in denying the request;

(iii) An estimate of the volume of records or information withheld, when appropriate, in number of pages or in some other reasonable form of estimation. This estimate does not need to be provided if the volume is otherwise indicated through deletions on records disclosed in part, or if providing an estimate would harm an interest protected by an applicable exemption; and

(iv) A statement that the denial may be appealed as provided by § 15.110 and a description of the requirements for appeal.

§ 15.106 Fees.

(a) *In general.* HUD will charge for processing requests under the FOIA in accordance with paragraph (c) of this section, except where fees are limited under paragraph (d) of this section or where a waiver or reduction of fees is granted under paragraph (k) of this section. HUD shall collect all applicable fees before sending copies of requested records to a requester. In order to resolve any fee issues that arise under this section, HUD may contact a requester for additional information. Requesters shall pay fees by check or money order made payable to the United States Treasury.

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

Commercial use means a request from or on behalf of a person who seeks information for a use or purpose that furthers his or her commercial, trade, or profit interests, which can include furthering those interests through litigation. HUD shall determine, whenever reasonably possible, the use

to which a requester will put the requested records. When it appears that the requester will put the records to a commercial use, either because of the nature of the request itself or because HUD has reasonable cause to doubt a requester's stated use, HUD shall provide the requester a reasonable opportunity to submit further clarification.

Direct costs means those expenses that HUD actually incurs in searching for and duplicating and, in the case of commercial use requests, reviewing records to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing the work and the cost of operating computers and other electronic equipment, such as for mainframe computer run time. Not included in direct costs are overhead expenses such as the costs of space and heating or lighting a facility.

Duplication means the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, audio visual materials, or machine readable documentation (*e.g.,* diskette), among others. HUD shall honor a requester's specified preference of form or format of disclosure if the record is readily reproducible with reasonable efforts in the requested form or format by the office responding to the request.

Educational institution. (1) Educational institution means:

(i) A preschool;

(ii) A public or private elementary or secondary school;

(iii) An institution of graduate higher education;

(iv) An institution of undergraduate higher education;

(v) An institution of professional education; or

(vi) An institution of vocational education, that primarily (or solely) operates a program or programs of scholarly research.

(2) To be in this category, a requester should show that the request is authorized by, and is made under the auspices of, a qualifying institution and that the records are not sought for a commercial use but are sought to further scholarly research. Records requested for the intention of fulfilling credit requirements are not considered to be sought for a scholarly purpose.

Noncommercial scientific institution means an institution that is not operated on a ''commercial'' basis, as defined in this section, and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. To be in this category, a requester should show that the request is authorized by, and is made under the auspices of, a qualifying institution and that the records are not sought for a commercial use but are sought to further scientific research.

Other requester means any requester that does not fall within the categories of requesters described in this section.

Representative of the news media, or *news media requester,* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term *news* means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals that disseminate news and make their products available to the general public through a variety of means. For freelance journalists to be regarded as working for a news media entity, they should demonstrate a solid basis for expecting publication through a news media entity. A publication contract would be the clearest proof, but HUD will also look to the past publication record of a requester in making this determination. To be in this category a requester should not be seeking the requested records for a commercial use. However, a request for records supporting the news dissemination function of the requester shall not be considered to be for a commercial use.

(c) *Fees.* In responding to FOIA requests, HUD will use the Fee Schedule set out in the following table, unless a waiver or reduction of fees has been granted under paragraph (k) of this section.

FOIA FEE SCHEDULE

Activity	Rate	Commercial use requester	News media, educational institution, or non-commercial scientific institution requester	Other requester
(1) Professional search	$13 per quarter hour	Applies	Does not apply	Applies. No charge for first 2 hours of cumulative search time.
(2) Professional review	$13 per quarter hour	Applies	Does not apply	Does not apply.
(3) Clerical search	$6 per quarter hour	Applies	Does not apply	Applies. No charge for first 2 hours of cumulative search time.
(4) Clerical review	$6 per quarter hour	Applies	Does not apply	Does not apply.
(5) Programming services required.	Direct costs associated with search.	Applies	Does not apply	Applies.
(6) Duplication costs	$0.18 per page	Applies	Applies. No charge for first 100 pages.	Applies. No charge for first 100 pages.
(7) Duplication costs—tape, CD ROM or diskette.	Actual cost	Applies	Applies	Applies.

(1) *Search.* (i) Search fees will be charged for all requests other than requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media, subject to the limitations of paragraph (d) of this section. HUD may charge for time spent searching even if HUD does not locate any responsive record or if HUD withholds the record(s) located as entirely exempt from disclosure.

(ii) For each hour spent by personnel searching for requested records, including electronic searches that do not require new programming, the fees will be $13 per quarter hour for

professional personnel and $6 per quarter hour for clerical personnel.

(iii) Requesters will be charged the direct costs associated with conducting any search that requires the creation of a new program to locate the requested records.

(iv) For requests requiring the retrieval of records from any Federal Records Center, certain additional costs may be incurred in accordance with the Transactional Billing Rate schedule established by the National Archives and Records Administration.

(2) *Duplication.* Duplication fees will be charged to all requesters, subject to the limitations of paragraph (d) of this section. For a paper photocopy of a record (no more than one copy of which need be supplied), the fee will be $0.18 per page. For copies in digital format, HUD will charge the direct costs, including operator time, of producing the copy. Where paper documents should be scanned in order to comply with a requester's preference to receive the records in an electronic format, the requester shall pay the direct costs associated with scanning those materials. For other forms of duplication, HUD will charge the direct costs.

(3) *Review.* Review fees will be charged to requesters who make a commercial use request. Review fees will be charged only for the initial record review (the review done where HUD determines whether an exemption applies to a particular record or record portion, at the initial request level). No charge will be made for review at the administrative appeal level for an exemption already applied. However, records or portions of records withheld under an exemption that is subsequently determined not to apply may be reviewed again to determine whether any other exemption not previously considered applies. The cost of that review is chargeable where it is made necessary by such a change of circumstances. Fees for the review time will be $13 per quarter hour for professional personnel and $6 per quarter hour for clerical personnel.

(d) *Restrictions on charging fees.* (1) No search fee will be charged for requests by educational institutions, noncommercial scientific institutions, or representatives of the news media. In addition, when HUD fails to comply with the applicable time limits in which to respond to a request and no unusual or exceptional circumstance, as those terms are defined by the FOIA, apply to the processing of the request, HUD will not charge search fees, or in the instances of requests from educational institutions, noncommercial scientific institutions, or representatives of the news media, as defined by paragraph (b) of this section, HUD will not charge duplication fees.

(2) Search and review fees will be charged in quarter-hour increments. HUD will round up a quarter hour when professional and clerical search and review time exceeds a quarter-hour increment.

(3) Except for requesters seeking records for a commercial use, HUD will provide without charge:

(i) The first 100 pages of duplication (or the cost equivalent); and

(ii) The first 2 hours of search (or the cost equivalent).

(4) No fee will be charged whenever a total fee calculated under paragraph (c) of this section is less than HUD's cost to process the payment. Currently, whenever a total fee calculated is $25 or less, no fee will be charged.

(e) *Notice of anticipated fees in excess of $25.* When HUD determines or estimates that the fees to be charged under this section will amount to more than $25, HUD shall notify the requester of the actual or estimated amount of the fees, unless the requester has indicated a willingness to pay fees as high as the amount anticipated. If only a portion of the fee can be readily, estimated HUD shall advise the requester that the estimated fee may be only a portion of the total fee. In cases in which a requester has been notified that actual or estimated fees amount to more than $25, the request will be held in abeyance for 15 working days. Further work shall not be done on that request until the requester has either made a firm commitment to pay the anticipated total fee or has made payment in advance if the total fee exceeds $250. Any such agreement should be memorialized by the requester in writing, should indicate a given dollar amount, and should be received by HUD within the time period specified by HUD in its notice to the requester. If the requester does not provide a firm commitment to pay the anticipated fee within the time period specified by HUD, the request will be closed. A notice under this paragraph will offer the requester an opportunity to discuss the matter of fees with HUD personnel in order to reformulate the request to meet the requester's needs at a lower cost. HUD is not required to accept payments in installments.

(f) *Charges for other services.* Although not required to provide special services, if HUD chooses to do so as a matter of administrative discretion, HUD will charge the direct costs of providing these services. Examples of such services include certifying that records are true copies, providing multiple copies of the same document, or sending documents by means other than ordinary mail.

(g) *Charging interest.* HUD may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges will be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the date of the billing until payment is received by HUD. HUD will follow the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(h) *Aggregating requests.* If HUD reasonably believes that a requester or a group of requesters acting together is attempting to divide a request into a series of requests for the purpose of avoiding fees, HUD may aggregate those requests and charge accordingly. HUD may presume that multiple requests of this type made within a 30-day period have been made in order to avoid fees. Where requests are separated by a longer period, HUD will aggregate them only where there is a reasonable basis for determining that aggregation is warranted under all the circumstances involved. Multiple requests involving unrelated matters will not be aggregated. Aggregation of requests for fee purposes under this paragraph will be conducted independent of aggregation of requests under § 15.103(d).

(i) *Advance payments.* (1) For requests other than those described in paragraphs (i)(2) and (3) of this section, HUD will not require the requester to make an advance payment before work is begun or continued on a request. Payment owed for work already completed, such as prepayment before copies are sent to a requester, is not an advance payment.

(2) If HUD determines or estimates that a total fee to be charged under this section will be more than $250, it may require the requester to make an advance payment of an amount up to the amount of the entire anticipated fee before beginning to process the request, except where it receives a satisfactory assurance of full payment from a requester who has a history of prompt payment.

(3) If a requester has previously failed to pay a properly charged FOIA fee to HUD within 30 days of the date of billing, before HUD begins to process a new request or continues to process a pending request from that requester, HUD will require the requester to pay the full amount due, plus any applicable interest, and to make an advance

payment of the full amount of any anticipated fee. If HUD has a reasonable basis to believe that a requester has misrepresented his or her identity in order to avoid paying outstanding fees, it may require that the requester provide proof of identity.

(4) When HUD requires advance payment, the request will be held in abeyance for 15 working days to allow the requester an opportunity to make payment in advance and/or modify the scope of the request. If the requester does not pay the advance payment or modify the scope of the request within the allotted time frame, the request will be closed.

(j) *Other statutes specifically providing for fees.* The fee schedule in this section does not apply to fees charged under any statute that specifically requires an agency to set and collect fees for particular types of records. Where records responsive to requests are maintained for distribution by agencies operating such statutorily based fee schedule programs, HUD will inform requesters of the contact information for that source.

(k) *Requirements for waiver or reduction of fees.* (1) Records responsive to a request will be furnished without charge or at a charge reduced below that established under paragraph (c) of this section if HUD determines, based on all available information, that the requester has demonstrated the following:

(i) Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government; and

(ii) Disclosure of the information is not primarily in the commercial interest of the requester.

(2) To determine whether the first fee waiver requirement is met, HUD will consider the following factors:

(i) The subject of the requested records should concern identifiable operations or activities of the Federal Government, with a connection that is direct and clear, not remote or attenuated.

(ii) The disclosable portions of the requested records should be meaningfully informative about government operations or activities in order to ''likely to contribute'' to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either a duplicative or a substantially identical form, would not be as likely to contribute to such increased understanding, where nothing new would be added to the public's understanding.

(iii) The disclosure should contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area and ability and intention to effectively convey information to the public shall be considered. It shall be presumed that a representative of the news media will satisfy this consideration.

(iv) The public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, should be enhanced by the disclosure to a significant extent. However, HUD will not make value judgments about whether information at issue is ''important'' enough to be made public.

(3) To determine whether the second fee waiver requirement is met, HUD will consider the following factors:

(i) HUD shall identify any commercial interest of the requester as defined in paragraph (b)(1) of this section, or of any person on whose behalf the requester may be acting, that would be furthered by the requested disclosure. Requesters shall be given an opportunity in the administrative process to provide explanatory information regarding this consideration.

(ii) A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater than that of any identified commercial interest in disclosure. HUD ordinarily will presume that where a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return shall not be presumed to primarily serve the public interest.

(4) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver will be granted for those records.

(5) Requests for the waiver or reduction of fees should address the factors listed in paragraphs (k)(2) and (k)(3) of this section, insofar as they apply to each request. In deciding to grant waivers or reductions of fees, HUD will exercise its discretion to consider the cost effectiveness of its investment of administrative resources.

§ 15.107 Documents generally protected from disclosure.

FOIA contains nine exemptions (5 U.S.C. 552(b)) that protect various records from disclosure. With regard to certain types of records, HUD generally applies the exemptions as follows:

(a) *Classified documents.* Exemption 1 (5 U.S.C. 552(b)(1)) protects classified national defense and foreign relations information. HUD seldom relies on this exception to withhold documents. However, where applicable, HUD will refer a request for records classified under Executive Order 12958 and the pertinent records to the originating agency for processing. HUD may refuse to confirm or deny the existence of the requested information if the originating agency determines that the fact of the existence of the information itself is classified.

(b) *Internal agency rules and practices.* Exemption 2 (5 U.S.C. 552(b)(2)) protects records relating to internal personnel rules and practices.

(c) *Information prohibited from disclosure by another statute.* Exemption 3 (5 U.S.C. 552(b)(3)) protects information that is prohibited from disclosure by another federal law. HUD generally, will not disclose competitive proposals submitted prior to contract award that are not incorporated into the contract, unsuccessful contract proposals (see 41 U.S.C. 253(b)), or advance information on grant funding decisions, including information that would give a grant applicant an unfair competitive advantage (see 42 U.S.C. 3537a).

(d) *Commercial or financial information.* Exemption 4 (5 U.S.C. 552(b)(4)) protects trade secrets and commercial or financial information obtained from a person that is privileged and confidential. HUD will handle this type of information as provided by § 15.108.

(e) *Certain interagency or intra-agency communications.* Exemption 5 (5 U.S.C. 552(b)(5)) protects interagency or intra-agency communications that are protected by legal privileges, such as the attorney-client privilege, attorney work-product privilege, or communications reflecting the agency's deliberative process.

(f) *Personal privacy.* Exemption 6 (5 U.S.C. 552(b)(6)) protects information involving matters of personal privacy. This information may include personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Names, addresses, telephone numbers, and email addresses of persons residing in public or assisted housing or of borrowers in FHA-insured single family mortgage transactions generally will not be disclosed.

(g) *Law enforcement records.* Exemption 7 (5 U.S.C. 552(b)(7)) protects certain records or information

compiled for law enforcement purposes. This exemption protects records where the production could reasonably be expected to interfere with enforcement proceedings; for example, the names of individuals who have filed fair housing complaints. The protection of this exemption also encompasses, but is not limited to, information in law enforcement files that could reasonably be expected to constitute an unwarranted invasion of personal privacy; the names of confidential informants; and techniques and procedures for law enforcement investigations, or guidelines for law enforcement investigations if such disclosure could reasonably be expected to risk circumvention of the law.

(h) *Supervision of financial institutions.* Exemption 8 (5 U.S.C. 552(b)(8)) protects information relating to the supervision of financial institutions. For purposes of Exemption 8, HUD is considered an ''agency responsible for the regulation and supervision of financial institutions'' for purposes of monitoring fair housing compliance.

(i) *Wells.* Exemption 9 (5 U.S.C. 552(b)(9)) protects geological information on wells.

§ 15.108 Business information.

(a) *In general.* Business information obtained by HUD from a submitter will be disclosed under the FOIA only under this section. In making final confidentiality determinations under this section, HUD relies to a large extent upon the information furnished by the affected business to substantiate its claim of confidentiality. HUD may be unable to verify the accuracy of much of the information submitted by the affected business. HUD will comply with Executive Order 12600 and follow the procedure in this section by giving notice to the affected business and an opportunity for the business to present evidence of its confidentiality claim. If HUD is sued by a requester under the FOIA for nondisclosure of confidential business information, HUD expects the affected business to cooperate to the fullest extent possible in defending such decision.

(b) *Designation of business information.* A submitter of business information will use good faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, any portions of its submission that it considers to be protected from disclosure under Exemption 4. These designations will expire 10 years after the date of the submission unless the submitter requests, and provides justification for, a longer designation period.

(c) *Notice to submitters.* HUD will provide a submitter with prompt written notice of a FOIA request or administrative appeal that seeks business information, wherever required under paragraph (d) of this section, in order to give the submitter an opportunity to object to disclosure of any specified portion of that information under paragraph (e) of this section. The notice will either describe the business information requested or include copies of the requested records or portions of records containing the information. When notification of a voluminous number of submitters is required, notification may be made by posting or publishing the notice in a place reasonably likely to accomplish notification.

(d) *Where notice is required.* Notice will be given to a submitter wherever:

(1) The information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(2) HUD has reason to believe that the information may be protected from disclosure under Exemption 4.

(e) *Opportunity to object to disclosure.* HUD will allow a submitter a reasonable time to respond to the notice described in paragraph (c) of this section and will specify that time period within the notice. If a submitter has any objection to disclosure, the submitter should submit a detailed written statement specifying the grounds for withholding any portion of the information under any exemption of FOIA and, in the case of Exemption 4, the submitter should show why the information is a trade secret or commercial or financial information that is privileged or confidential. HUD generally will not consider conclusory statements that particular information would be useful to competitors or would impair sales, or other similar statements, sufficient to justify confidential treatment. In the event that a submitter fails to respond to the notice within the time specified, the submitter will be considered to have no objection to the disclosure of the information. Information provided by the submitter that is not received until after the disclosure decision has been made will not be considered by HUD. Information provided by a submitter under this paragraph may itself be subject to disclosure under the FOIA.

(f) *Notice of intent to disclose.* HUD will consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose business information. Whenever HUD decides to disclose business information over the objection of a submitter, HUD will give the submitter written notice, which will include:

(1) A statement of the reason(s) why each of the submitter's disclosure objections was not sustained;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date, which shall be a reasonable time subsequent to the notice.

(g) *Exceptions to notice requirements.* The notice requirements of paragraphs (c) and (f) of this section will not apply if:

(1) HUD determines that the information should not be disclosed;

(2) The information lawfully has been published or has been officially made available to the public; or

(3) Disclosure of the information is required by statute (other than the FOIA) or by a regulation issued in accordance with the requirements of Executive Order 12600.

(h) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of business information, HUD will promptly notify the submitter.

(i) *Corresponding notice to requesters.* Whenever HUD provides a submitter with notice and an opportunity to object to disclosure under paragraph (f) of this section, HUD will also notify the requester(s). Whenever a submitter files a lawsuit seeking to prevent the disclosure of business information, HUD shall notify the requester(s).

§ 15.109 Mortgage sales.

(a) *Disclosure of certain information in connection with mortgage sales.* HUD will release information regarding a Mortgagor's statement of profit and loss only to eligible potential mortgage purchasers and only during the period specified by HUD for a mortgage sale.

(b) *Conditions for releasing information.* HUD will release information regarding a Mortgagor's statement of profit and loss only if all of the following three conditions are met:

(1) The information concerns a project that is subject to a HUD-held mortgage that HUD is selling under the authority of Sections 207(k) and (l) of the National Housing Act (12 U.S.C. 1713(k) and (l)) or Section 7(i)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(i)(3)).

(2) The eligible potential purchasers have agreed to:

(i) Keep the information confidential;

(ii) Disclose the information only to potential investors in the mortgage and only for the period specified by HUD for

the mortgage sale and to notify those potential purchasers of their obligations under this section;

(iii) Use the information only to evaluate the mortgage in connection with the mortgage sale; and

(iv) Follow disclosure procedures for that sale that have been established by the Secretary of HUD.

(3) The potential investors in the mortgage have agreed to keep the information confidential and to use the information only to evaluate the mortgage in connection with their investment decision.

(c) *Investor use of disclosed information.* Potential investors in the mortgage shall not disclose the information to other entities unless the disclosure is:

(1) Necessary for the investor's evaluation of the mortgage;

(2) Made in accordance with disclosure procedures for the specific sale that have been established by HUD; and

(3) Limited to the period specified by HUD for the mortgage sale.

(d) *Improper use of disclosed information.* An eligible potential purchaser or a potential investor (who has received the information from a potential purchaser and has been notified by that entity of its obligations under paragraph (b) of this section) who discloses information in violation of this section may be subject to sanctions under 2 CFR part 2424.

§ 15.110 Appeals.

(a) *In general.* A requester may appeal an adverse determination denying a request, in any respect, in writing to the address specified in HUD's notice responding to the FOIA request (see § 15.105). The letter of appeal should clearly identify the determination that is being appealed and the assigned tracking number. The appeal letter and envelope should be marked ''Freedom of Information Act Appeal'' for the quickest possible handling. If mailed, the requester's letter of appeal must be postmarked within 30 calendar days of the date of HUD's letter of determination. If the letter of appeal is transmitted by means other than the United States Postal Service, it must be received in the appropriate office by the close of business on the 30th calendar day after the date of HUD's letter of determination.

(b) *Time frames.* (1) Expedited processing. HUD will decide an appeal of a denial of a request to expedite processing of a FOIA request within 10 working days of receipt of the appeal.

(2) *All other appeals.* HUD will make a determination on appeals within 20 working days of receipt unless unusual circumstances require HUD to extend the time for an additional 10 working days.

(3) *Exceptions.* An appeal ordinarily will not be acted upon if the subject of the appeal is simultaneously being litigated in an applicable federal court.

(c) *Content of appeals.* An appeal letter should include the following:

(1) A copy of the original request;

(2) A copy of the adverse determination;

(3) A statement of facts and legal arguments supporting the appeal; and

(4) Any additional information the appellant wishes to include.

(d) *When appeal is required.* Before seeking a court review of HUD's adverse determination, a requester generally should have exhausted their administrative remedies.

§ 15.111 HUD response to appeals.

(a) *In general.* (1) The appellate official will conduct a de novo review of the entire record and applicable law when making a decision.

(2) The decision on the appeal will be made in writing and will be considered the final action of HUD.

(i) A decision affirming an adverse determination, in whole or in part, will contain a statement of the reason(s) for the affirmation, including any FOIA exemption(s) applied, and will inform the appellant of the FOIA provisions for potential court review of the decision.

(ii) If the adverse determination is modified on appeal, in whole or in part, a written decision will be sent to the appellant and the FOIA request will be reprocessed in accordance with the appeal decision.

(b) *Appeal of a denial of record request.* Upon appeal of a denial of a record request, the appellate official will issue a decision that either:

(1) Overturns the adverse determination, in whole or in part, and remands the request to the appropriate office. The requester will be notified of the rationale for the determination in writing. The original office will then reprocess the request in accordance with the appeal determination and respond directly to the requester; or

(2) Affirms the adverse determination and declines to provide the requested records to the appellant.

(c) *Appeal of a fee determination.* Upon appeal of a fee determination, the appellate official will issue a decision that either:

(1) Waives the fee or charges the fee that the appellant requested;

(2) Modifies the original fee charged and explains why the modified fee is appropriate; or

(3) Advises the appellant that the original fee charged was appropriate and gives the reasons behind this determination.

(d) *Appeal of a denial of expedited processing.* Upon appeal of a denial of an expedited processing request, the appellate official will issue a decision that either:

(1) Overturns the adverse determination and grants the expedited processing request; or

(2) Affirms the decision to deny expedited processing.

Dated: May 1, 2013.

Shaun Donovan,

Secretary.

[FR Doc. 2013–12604 Filed 5–30–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0214]

RIN 1625–AA00

Safety Zones; Recurring Events in Captain of the Port Duluth Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish permanent safety zones for annually recurring marine events in the Coast Guard Marine Safety Unit Duluth Captain of the Port (COTP) Zone. The safety zones in this proposed rule are needed to protect both spectators and participants from the hazards associated with the events. During the enforcement period of the safety zones, persons and vessels are prohibited from entering, transitioning through, remaining, anchoring or mooring within the zone unless specifically authorized by the COTP or designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before July 1, 2013.

ADDRESSES: You may submit comments identified by docket number USCG–2013–0214 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries

accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Judson Coleman, Chief of Waterways Management Marine Safety Unit Duluth, U.S. Coast Guard; telephone (218) 720–5286, Extension 111 or by email *Judson.A.Coleman@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2013–0214), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*), or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2013–0214] In the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2013–0214) in the ''SEARCH'' box and click ''Search.'' Click the ''Open Docket Folder on the line associated with this rulemaking. 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.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register.**

B. Basis and Purpose

The purpose of this proposed rule is to establish necessary safety zones for recurring events. This rule is being proposed in order to safeguard against the hazards associated with annual marine events taking place in the Duluth Captain of the Port Zone.

The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

C. Discussion of Proposed Rule

This rule proposes to establish 8 new safety zones in 33 CFR Part 165 for annual marine events in the Marine Safety Unit Duluth Captain of the Port (COTP) Zone. These events include fireworks displays for the 4th of July holiday, specifically the Duluth fourth festival, Cornucopia fireworks, Ashland fireworks and the Madeline Island fireworks, and other historically recurring marine events, including the Lake Superior Dragon Boat Festival (LSDBF), The Superior Man Triathlon, and the Point to LaPointe swim.

As large numbers of spectator vessels are expected to congregate in the location of these events, the safety zones in this proposed rule are needed to protect both spectators and participants from the hazards associated with the events. During the enforcement period of the safety zones, persons and vessels are prohibited from entering, transitioning through, remaining, anchoring or mooring within the zone unless specifically authorized by the COTP or designated representative. The Coast Guard may be assisted by other federal, state and local agencies in the enforcement of these regulations.

Certain safety zones are listed without known dates or times. The Coast Guard will give notice of the enforcement of these safety zones by all appropriate means to the effected segments of the public, including publication in the **Federal Register** as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to Broadcast Notice to Mariners and Local Notice to Mariners.

D. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not

require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not deemed ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this proposed rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. Overall, we expect the economic impact of this proposed rule to be minimal and that a full Regulatory Evaluation is not necessary.

2. Small Entities

Under The Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in the safety zones during the enforcement periods.

This proposed safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: the safety zones will be of limited size and of short duration; vessels that can safely do so may navigate in all other portions of the waterway except for the areas designated as safety zones; and these safety zones have been promulgated in the past with zero public comments submitted. Additionally, before the enforcement period, the Coast Guard will issue notice of the time and location of each safety zone through a Local Notice to Mariners and Broadcast Notice to Mariners.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

13. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or

adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. This proposed rule involves the establishment of a safety zone and is therefore categorically excluded under figure 2–1, paragraph 34(g) of the Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measure, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.943 to read as follows:

§ 165.943 Annual events requiring safety zones in the Captain of the Port Duluth zone.

(a) Safety Zones. The following areas are designated safety zones:

(1) *Bridgefest Regatta Fireworks; Houghton, MI.*

(i) *Location.* All waters of the Keweenaw Waterway bounded by the arc of a circle with a 300-foot radius from the fireworks launch site with its center in position 47°07′28.35″ N, 088°35′01.78″ W.

(ii) *Enforcement date and time.* This event historically occurs in mid June. The Captain of the Port, Marine Safety Unit Duluth, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcast.

(2) *Lake Superior Dragon Boat Festival Fireworks; Superior, WI.*

(i) *Location.* All waters of Superior Bay, WI within a 150-foot radius with its center at 46°43′23.5164″ N, 092°03′45.1944″ W.

(ii) *Enforcement date and time.* This event historically occurs in late August. The Captain of the Port, Marine Safety Unit Duluth, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcast.

(3) *Duluth Fourth Fest Fireworks; Duluth, MN.*

(i) *Location.* All U.S. navigable waters of the Duluth Harbor Basin Northern Section within a 900-foot radius of position 46°46′19″ N, 092°06′11″ W.

(ii) *Enforcement date and time.* This event historically occurs on or around the 4th of July week. The Captain of the Port, Marine Safety Unit Duluth, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcast.

(4) *Cornucopia Fireworks; Cornucopia, WI.*

(i) *Location.* All waters of Siskiwit Bay bounded by a circle with a 300-foot radius surrounding the fireworks launch site with its center in position 46°51′35″ N, 091°06′10″ W.

(ii) *Enforcement date and time.* This event historically occurs on or around the 4th of July week. The Captain of the Port, Marine Safety Unit Duluth, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcast.

(5) *LaPointe Fireworks; LaPointe, WI.*

(i) *Location.* All waters of Lake Superior bounded by the arc of a circle with a 375-foot radius from the fireworks launch site with its center in position 46°46′40.1″ N, 090°47′22″ W.

(ii) *Enforcement date and time.* This event historically occurs on or around the 4th of July week. The Captain of the Port, Marine Safety Unit Duluth, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcast.

(6) *Ashland Fireworks; Ashland, WI.*

(i) *Location.* All waters of Chequamegon Bay bounded by the arc of a circle with a 600-foot diameter from the fireworks launch site with its center in position 46°35.50′ N, 090°53.0′ W.

(ii) *Enforcement date and time.* This event historically occurs on or around the 4th of July week. The Captain of the Port, Marine Safety Unit Duluth, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcast.

(7) *Point to LaPointe Swim; LaPointe, WI.*

(i) *Location.* All waters between Bayfield, WI and Madeline Island, WI within an imaginary line created by the following coordinates: 46°48′50.97″ N, 090°48′44.28″ W, moving southeast to 46°46′44.9″ N, 090°47′33.21″ W, then moving northeast to 46°46′52.51″ N 090°47′17.14″ W, then moving northwest to 46°49′3.23″ N, 090°48′25.12″ W and finally running back to the starting point.

(ii) *Enforcement date and time.* This event historically occurs in early August. The Captain of the Port, Marine Safety Unit Duluth, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcast.

(8) *Superior Man Triathlon; Superior, WI.*

(i) *Location.* All waters of the Duluth Harbor Basin, Northern Section, including the Duluth Entry encompassed in an imaginary line beginning at point 46°46′36.1236″ N, 092°06′06.987″ W, running southeast to 46°46′32.7534″ N, 092°06′01.7382″ W, running northeast to 46°46′45.9228″ N, 092°05′45.1818″ W, running northwest to 46°46′49.4718″ N, 092°05′49.349″ W and finally running southwest back to the starting point.

(ii) *Enforcement date and time.* This event historically occurs in late August. The Captain of the Port, Marine Safety Unit Duluth, will establish enforcement dates that will be announced with a Notice of Enforcement and marine information broadcast.

(b) Regulations.

(1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring in this safety zone is prohibited unless authorized by the Captain of the Port, Marine Safety Unit Duluth, or the designated on-scene representative.

(2) This safety zone is closed to all vessel traffic except as authorized by the Captain of the Port, Marine Safety Unit Duluth, or the designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port, Marine Safety Unit Duluth, is any Coast Guard commissioned, warrant, or petty officer who has been designated to act on behalf of the Captain of the Port, Marine Safety Unit Duluth. The on-scene representative of the Captain of the Port,

Marine Safety Unit Duluth, will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port, Marine Safety Unit Duluth, or the designated on-scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port, Marine Safety Unit Duluth, or the designated on-scene representative to obtain permission to do so. Vessel operators given authorization to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port, Marine Safety Unit Duluth, or the on-scene representative.

Dated: April 25, 2013.

K.R.Bryan,

Commander, U.S. Coast Guard, Captain of the Port, Marine Safety Unit Duluth.

[FR Doc. 2013–12887 Filed 5–30–13; 8:45 am]

BILLING CODE 9110–04–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 seventh 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 June 17, 2013, from 1:00 p.m. to 4:30 p.m.

ADDRESSES: The meeting will be held by teleconference. Call-in information and a communication access real-time translation (CART) web streaming link will be posted on the Access Board's Medical Diagnostic Equipment Web site page at www.access-board.gov/medical-equipment.htm.

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 Architectural and Transportation Barriers Compliance Board (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 seventh meeting on June 17, 2013. The agenda includes the following:

- Review of previous committee work;
- Review and discussion the committee's final report; 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 teleconference and communicate their views. Members of the public will have opportunities to address the committee on issues of interest to them during a public comment period.

The meeting will be accessible to persons with disabilities. Communication Access Realtime Translation (CART) will be provided via a web link. 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. 2013–12943 Filed 5–30–13; 8:45 am]

BILLING CODE 8150–01–P

POSTAL SERVICE

39 CFR Part 111

Collect on Delivery (COD)—Service Features

AGENCY: Postal Service™.

ACTION: Proposed rule.

SUMMARY: Effective July 28, 2013, the Postal Service™ proposes to revise *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) 503.13, 507.4 and 508.1 to provide new standards for the automatic holding period for Collect on Delivery (COD) articles, expand the acceptable payment methods for COD articles, and provide current options for the redirecting of COD mailpieces.

DATES: Submit comments on or before July 1, 2013.

ADDRESSES: Mail or deliver written comments to the manager, Product Classification, U.S. Postal Service®, 475 L'Enfant Plaza SW., Room 4446, Washington DC 20260–5015. You may inspect and photocopy all written comments at USPS® Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington DC by appointment only between the hours of 9 a.m. and 4 p.m., Monday through Friday by calling 1–202–268–2906 in advance. Email comments, containing the name and address of the commenter, may be sent to: *ProductClassification@usps.gov,* with a subject line of ''COD Service Features'' Faxed comments are not accepted.

FOR FURTHER INFORMATION CONTACT: Grace Letto at 202–268–2282 or Suzanne Newman at 202–268–5581.

SUPPLEMENTARY INFORMATION: The Postal Service proposes to revise the DMM in various sections to redesign some of the features of COD service. In response to mailer's requests for the expedited return of their mailpieces when COD shipments are unclaimed by the addressee, this revision proposes to modify the holding period for COD articles from the current 30-day maximum to a maximum of 10 days.

Additionally, these revisions, if adopted, will retire the current manual PS Form 3849–D, *Notice to Sender of Undelivered COD Mail.* The primary function served by PS Form 3849–D can be provided by USPS Package Intercept service, which allows mailers the option to redirect COD mailpieces to a new address, to a designated Post Office for Hold For Pickup service, or return them to the sender. Unlike PS Form 3849–D, which entails sending of a notification to the mailer by mail and requiring the mailer to then send written instructions

back to the Postmaster, which may take more than 10 days to complete, Package Intercept service provides mailers with an immediate avenue to request a COD article be redirected to a new address. Since items subject to Package Intercept requests are also held for a 10-day period, this option aligns with the proposed new holding period for COD articles.

However, the ability for a mailer, after mailing, to adjust the COD amount to be collected will be eliminated when the Form 3849–D is retired.

The USPS will continue to return COD articles to the mailer at the end of the holding period if no other applicable request is received; and to return COD mail addressed to an addressee who moved and left no forwarding address. Additionally, payment options for COD articles will be expanded to allow money orders made payable to the mailer as an additional acceptable payment method for the addressee at the time of delivery. Payment remittance mailpieces will now include unique tracking barcodes affixed by USPS allowing further visibility into the COD payment process through mail processing scans captured on the remittance en route to the recipient.

Although we are exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comments on the following proposed revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is proposed to be amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

500 Additional Mailing Services

* * * * *

503 Extra Services

* * * * *

13.0 Collect on Delivery (COD)

* * * * *

13.2 Basic Information

13.2.1 Description

** * * [Revise the first, second and fourth sentences of 13.2.1 as follows:]*

Any mailer may use collect on delivery (COD) service to mail an article for which the mailer has not been paid and have its price and the cost of the postage collected from the addressee (or addressee's agent). The recipient has the option to pay the COD charges using either cash, or a personal check or money order made payable to the mailer. * * * If the recipient pays the amount due by check or money order payable to the mailer, the USPS forwards the check or money order to the mailer. * * *

* * * * *

[Revise the title and text of 13.2.7 as follows:]

13.2.7 Redirecting COD

The mailer of a COD article may use USPS Package Intercept service to redirect the COD mailpiece to a new addressee, to a designated Post Office using Hold For Pickup service, or to the sender by paying the applicable fee and as provided in 507.5.

[Delete 13.2.8, Notice to Mailer, in its entirety.]

* * * * *

507 Mailer Services

* * * * *

4.0 Address Correction Services

* * * * *

4.3 Sender Instruction

* * * * *

4.3.2 Extra Services

* * * This mail is treated as follows:
* * *

[Revise item 4.3.2c as follows:]

c. The mailer of a COD article also may use USPS Package Intercept service to redirect the COD mailpiece to a new addressee, to a designated Post Office using Hold For Pickup service, or to the sender by paying the applicable fee and as provided in 507.5. The USPS returns the article to the mailer at the end of the COD holding period if no other request is received. When COD mail is addressed to a person who moved and left no forwarding address, the article is returned to the mailer. The postage charge (but not registration or COD fees) for returning the mail, if any, is collected from the mailer.

* * * * *

[Revise item 4.3.2g as follows:]

g. The USPS holds undeliverable collect on delivery (COD) mail for no fewer than 3 days and no more than 10 days.

* * * * *

508 Recipient Services

1.0 Recipient Options

1.1 Basic Recipient Concerns

* * * * *

1.1.7 Express Mail and Accountable Mail

The following conditions also apply to the delivery of Express Mail and accountable mail (Registered Mail, Certified Mail, insured for more than $200.00, or COD, as well as mail for which a return receipt or a return receipt for merchandise is requested or for which the sender has specified restricted delivery):

* * * * *

[Revise item 508.1.1.7f as follows:]

f. A notice is provided to the addressee for a mailpiece that cannot be delivered. If the piece is not called for or redelivery is not requested, the piece is returned to the sender after 15 days (5 days for Express Mail, 10 days for COD), unless the sender specifies fewer days on the piece.

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes if our proposal is adopted.

* * * * *

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

[FR Doc. 2013–12885 Filed 5–30–13; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2010–0298, FRL–9818–7]

Disapproval of State Implementation Plan; Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard; Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to disapprove a specific portion of the State Implementation Plan (SIP) certifications submitted by the State of Montana to demonstrate that the SIP meets the infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for ozone on July 18, 1997. The CAA requires that each state, after a new or revised NAAQS is promulgated, review its SIP to ensure that it meets certain infrastructure requirements detailed in the CAA. The State of Montana submitted two certifications, dated November 28, 2007 and December 22, 2009, that its SIP met these requirements for the 1997 ozone NAAQS. EPA is proposing to disapprove a portion of the submitted revisions because the SIP does not meet the requirements in the CAA for state boards that approve permits or enforcement orders.

DATES: Written comments must be received on or before July 1, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2010–0298, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: ayala.kathy@epa.gov*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 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–2010–0298. 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* For additional instructions on submitting comments, go to section I, General Information, of the **SUPPLEMENTARY INFORMATION** section of this document.

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 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: Kathy Ayala, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6142, *ayala.kathy@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *NAAQS* mean or refer to National Ambient Air Quality Standards.

(iv) The initials *SIP* mean or refer to State Implementation Plan.

(v) The words *State* or *Montana* mean the State of Montana, unless the context indicates otherwise.

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I. Background
II. Montana's Submittal and EPA Analysis
III. Proposed Action
IV. Statutory and Executive Order Reviews

I. Background

On July 18, 1997, EPA promulgated a new NAAQS for ozone based on 8-hour average concentrations. The 8-hour averaging period replaced the previous 1-hour averaging period, and the level of the NAAQS was changed from 0.12 parts per million (ppm) to 0.08 ppm (62 FR 38856).

By statute, SIPs meeting the requirements of sections 110(a)(1) and (2) are to be submitted by states within three years after promulgation of a new or revised standard. Section 110(a)(2) provides basic requirements for SIPs, including emissions inventories, monitoring, and modeling, to assure attainment and maintenance of the standards. These requirements are set out in several ''infrastructure elements,'' listed in section 110(a)(2).

The State of Montana submitted two certifications of their infrastructure SIP for the 1997 ozone NAAQS, one dated November 28, 2007, which was determined to be complete on March 27, 2008 (73 FR 16205), and another dated December 22, 2009. On May 19, 2011 (76 FR 28934), EPA published a notice of proposed rulemaking (NPR) for the certifications. Among other things, the NPR proposed approval of the state's submission for purposes of meeting the CAA infrastructure requirements under section 110(a)(2)(E), Adequate resources and authority, for the 1997 ozone NAAQS. During the comment period provided for the proposed rule, EPA received an adverse comment on EPA's proposed approval with respect to section 110(a)(2)(E)(ii). The commenter stated that the Montana SIP did not contain adequate provisions to satisfy the requirements of CAA section 128

and was therefore inconsistent with section 110(a)(2)(E)(ii).

On July 22, 2011 (76 FR 43918), EPA published a final rule completing our action on all infrastructure elements except 110(a)(2)(E)(ii). EPA took no action on section 110(a)(2)(E)(ii) and committed to do so at a later date. In this notice, we are proposing a new action on Montana's certifications for the 1997 ozone NAAQS with respect to section 110(a)(2)(E)(ii).

II. Montana's Submittal and EPA Analysis

Section 110(a)(2)(E)(ii) of the CAA requires that ''the State comply with the requirements respecting State boards under section 128.''

Montana's response to this requirement: The Montana Board of Environmental Review (BER) oversees the Montana DEQ, including actions taken by the State air program. The composition and requirements of the BER are detailed in 2–15–3502, Montana Code Annotated (MCA); 2–15–121, MCA; and 2–15–124, MCA. Laws related to conflict of interest in Montana state government are found in 2–2–201, MCA; and 2–2–202, MCA.

EPA analysis: Section 110(a)(2)(E)(ii) of the CAA requires that the State comply with section 128 of the CAA. Section 128 was added in the 1977 amendments to the CAA as the result of a conference agreement. Titled ''State boards,'' it provides in relevant part:

(a) Not later than the date one year after August 7, 1977, each applicable implementation plan shall contain requirements that—

(1) Any board or body which approves permits or enforcement orders under [this Act] shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under [this Act], and,

(2) Any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

In 1978, EPA issued a guidance memorandum recommending ways states could meet the requirements of section 128, including suggested interpretations of certain key terms in section 128.[1] In this notice, we additionally discuss various relevant aspects of section 128. We first note that, in the conference report on the 1977 amendments to the CAA, the conference committee stated, ''It is the responsibility of each state to determine the specific requirements to meet the general requirements of [section 128].'' [2] We find that this legislative history indicates that Congress intended states to have some latitude in the specifics of implementing section 128, so long as the implementation is consistent with the plain text of the section. We also note that Congress explicitly provided in section 128 that states could elect to adopt more stringent requirements, as long as the minimum requirements of section 128 are met. As a result, we note three considerations for implementing section 128.

First, section 128 must be implemented through provisions that EPA approves into the SIP and are made federally enforceable. Section 128 explicitly mandates that each SIP ''shall contain requirements'' that satisfy subsections 128(a)(1) and 128(a)(2). A mere narrative description of state statutes or rules, or of a state's current or past practice in constituting a board or body and in disclosing potential conflicts of interest, is not a requirement contained in the SIP and does not satisfy the plain text of section 128.

Second, subsection 128(a)(1) applies only to states that have a board or body that is composed of multiple individuals and that, among its duties, approves permits or enforcement orders under the CAA. It does not apply in states that have no such multi-member board or body that performs these functions, and where instead a single head of an agency or other similar official approves permits or enforcement orders under the CAA. This flows from the text of section 128, for two reasons. First, as subsection 128(a)(1) refers to a majority of members in the plural, we think it reasonable to read subsection 128(a)(1) as not creating any requirements for an individual with sole authority for approving permits or enforcement orders under the CAA. Second, subsection 128(a)(2) explicitly applies to the head of an executive agency with ''similar powers'' to a board or body that approves permits or enforcement orders under the CAA, while subsection 128(a)(1) omits any reference to heads of executive agencies. We infer that subsection 128(a)(1) should not apply to heads of executive agencies who approve permits or enforcement orders.

Third, subsection 128(a)(2) applies to all states, regardless of whether the state has a multi-member board or body that approves permits or enforcement orders under the CAA. Although the title of section 128 is ''State boards,'' the language of subsection 128(a)(2) explicitly applies where the head of an executive agency, rather than a board or body, approves permits or enforcement orders. In instances where the head of an executive agency delegates his or her power to approve permits or enforcement orders, or where statutory authority to approve permits or enforcement orders is nominally vested in another state official, the requirement to adequately disclose potential conflicts of interest still applies. In other words, EPA thinks that SIPs for all states, regardless of whether a state board or body approves permits or enforcement orders under the CAA, must contain adequate provisions for disclosure of potential conflicts of interest in order to meet the requirements of subsection 128(a)(2).

The Montana SIP does not contain provisions that meet the requirements of CAA section 128. As discussed above, section 128 must be implemented through SIP-approved, federally enforceable provisions. In particular, subsection 128(a)(2) applies in all states; in other words, all SIPs must contain provisions for the adequate disclosure of potential conflicts of interest. The Montana SIP does not currently contain any such provisions and is deficient with respect to the requirements of subsection 128(a)(2).

Furthermore, as cited by Montana in its certification, section 2–15–3502 of the MCA creates a Board of Environmental Review (''Board''). The Board consists of seven members appointed by the Governor and meeting certain statutory criteria. Under section 75–2–211(10) of the MCA, a person who is directly and adversely affected by the Montana Department of Environmental Quality's (MDEQ's) approval or denial of a permit to construct an air pollution source may (with certain exceptions) request a hearing before the Board. Similarly, under section 75–2–218(5) of the MCA, a person who participated in the comment period on MDEQ's issuance, renewal, amendment or modification of a title V operating permit may request a hearing before the Board. Finally, under section 75–2–401(1), a person who receives an enforcement order from MDEQ under Chapter 2 of Title 75, Air Quality, may request a hearing before the Board.

Based on these State statutory provisions and our discussion above of the text of section 128(a)(1), we propose to conclude that the Board falls within the terms of subsection 128(a)(1); in

[1] Memorandum from David O. Bickart, Deputy General Counsel, to Regional Air Directors, Guidance to States for Meeting Conflict of Interest Requirements of Section 128 (Mar. 2, 1978).

[2] H.R. Rep. 95–564 (1977), reprinted in 3 *Legislative History of the Clean Air Act Amendments of 1977,* 526–27 (1978).

other words, the Board is a multi-member body that has authority to approve permits and enforcement orders under the Act. The term ''permits under the Act'' includes Prevention of Significant Deterioration, nonattainment New Source Review, and minor New Source Review permits. These are all permits required to construct a new or modified stationary source, and, under MCA section 75–2–211(1), are potentially subject to a hearing before the Board. Permits under the Act also include title V operating permits, which, under MCA section 75–2–218(5), are potentially subject to a hearing before the Board. Similarly, enforcement orders under the Act are, under MCA section 75–2–401(1), potentially subject to a hearing before the Board. In short, the Board has authority to hear appeals of permits and enforcement orders under the Act.

The Board's authority to hear appeals is ''authority to approve'' within the meaning of section 128, for two reasons. First, the Board's authority falls within the plain meaning of the word ''approve.'' To approve means, among other things, ''to give formal sanction to.'' This is precisely what, for example, an order from the Board upholding a permit does: it formally sanctions the permit. Second, the contrary interpretation, that ''authority to approve'' does not include the Board's authority to hear appeals, would be inconsistent with the structure and purpose of section 128. It would limit the applicability of subsection 128(a)(1) to multi-member boards that issue permits in the first instance. As the purpose of section 128 is to promote disinterested decision-making on permits and enforcement orders, it is paramount that section 128 should apply to the entity with authority to make the final decision, and not merely to the initial decision maker. In addition, due to the language ''with similar powers'' in subsection 128(a)(2), the contrary interpretation would lead to the illogical result that a state director who issues permits and enforcement orders that are subject to administrative appeal would fall under the disclosure requirement, but a director that was the final decision maker on permits and enforcement orders would not.

As the Board has authority to approve permits and enforcement orders under the Act, it is subject to subsection 128(a)(1). However, the Montana SIP does not currently contain any provisions to meet the requirements of subsection 128(a)(1) and therefore does not meet these requirements. As discussed above, the SIP also does not contain any provisions to meet the requirements of subsection 128(a)(2). As a result, we propose to disapprove the Montana infrastructure SIP for the 1997 ozone NAAQS with respect to the requirements of section 110(a)(2)(E)(ii). We do not consider it necessary to identify any particular instances in which the Board's actual composition in practice has failed to meet the compositional requirements of subsection 128(a)(1) or in which Board members in practice have failed to meet the disclosure requirements of subsection 128(a)(2). The proposed disapproval is based upon the Montana SIP itself, which simply fails to contain any provisions meeting the explicit legal requirements of these subsections.

III. Proposed Action

We propose to disapprove the Montana infrastructure SIP for the 1997 ozone NAAQS for element 110(a)(2)(E)(ii). The Montana SIP does not contain provisions to meet the requirements of CAA section 128.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve or disapprove state choices, depending on whether they meet the criteria of the Clean Air Act. With this proposed action EPA is merely disapproving a state law as not meeting Federal requirements, and is not imposing additional requirements beyond those imposed by state law.

A. Executive Order 12866: Regulatory Planning and Review

Because the proposed disapproval does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the EO, this proposed action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This proposed 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).

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 proposed rule 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 today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the rule on small entities.'' 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

EPA's proposal consists of a proposed disapproval of a specific portion of the Montana infrastructure certification. The proposed disapproval of the SIP, if finalized, merely disapproves the state law as not meeting federal requirements and does not impose any additional requirements.

D. Unfunded Mandates Reform Act (UMRA)

This action 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);

Under Title II of UMRA, EPA has determined that this proposed rule does not contain a federal mandate that may result in expenditures that exceed the inflation-adjusted UMRA threshold of

$100 million by State, local, or Tribal governments or the private sector in any one year. In addition, this proposed rule does not contain a significant federal intergovernmental mandate as described by section 203 of UMRA nor does it contain any regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA 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'' is 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, EPA may not issue a regulation that has 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, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the State, on the relationship between the national government and the State, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely addresses the State not fully meeting its obligation under section 128 of the CAA. 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 proposed rule from State and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This proposed rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be economically significant as defined under Executive Order 12866; and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. EPA interprets EO 13045 as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it implements specific standards established by Congress in statutes.

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.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

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 proposed rule, if finalized, will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it disapproves a specific portion of the Montana SIP which does not meet requirements of the CAA.

In addition, this proposed action does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP being disapproved would not apply in Indian country located in the state, and it would 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.

Dated: May 16, 2013.

Howard M. Cantor,

Acting Regional Administrator, Region 8.

[FR Doc. 2013–12970 Filed 5–30–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2008–0918; FRL–9387–7]

RIN 2070–AB27

Proposed Modification of Significant New Uses of 1-Propene, 2,3,3,3-tetrafluoro-

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under section 5(a)(2) of the Toxic Substances Control Act (TSCA), EPA is proposing to amend the significant new use rule (SNUR) for the chemical substance identified as 1-Propene, 2,3,3,3-tetrafluoro-, which was the subject of premanufacture notice (PMN) P–07–601. This action would amend the SNUR to allow the manufacture and processing for certain uses without requiring a significant new use notice (SNUN). EPA is proposing this amendment based on review of newly submitted exposure and toxicity data.

DATES: Comments must be received on or before July 1, 2013.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2008–0918, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave. NW., Washington, DC. ATTN: Docket ID Number EPA–HQ–OPPT–2008–0918. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2008–918. EPA's policy is that all comments received will be included in the 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 regulations.gov or email. The 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 regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the 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 docket index available at *http://www.regulations.gov.* 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 electronically at *http://www.regulations.gov,* or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Jim Alwood, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8974; email address: *alwood.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, import, process, or use the chemical substance identified as 1-Propene, 2,3,3,3-tetrafluoro- (PMN P–07–601). Potentially affected entities may include, but are not limited to:

- Manufacturers, importers, or processors of the subject chemical substance (NAICS codes 325 and 324110), e.g., chemical manufacturers and petroleum refineries.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in § 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

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.

II. Background

A. What action is the Agency taking?

In the **Federal Register** of October 27, 2010 (75 FR 65987) (FRL–8846–8), EPA published a final SNUR (codified at § 721.10182) for the chemical substance identified as 1-Propene, 2,3,3,3-tetrafluoro-, (PMN P–07–601; CAS No. 754–12–1; which is also identified by the trade name HFO–1234yf), in accordance with the procedures at § 721.170. A SNUR requires persons who intend to manufacture, import, or process the chemical substance for an activity designated as a significant new use to notify EPA at least 90 days before commencing that activity.

EPA is proposing to amend the scope of the SNUR as detailed in this unit. In addition, EPA is proposing to clarify the language in the regulatory text to more clearly communicate that the manufacture and processing for use as a refrigerant in motor vehicle air conditioning systems in new passenger cars and vehicles as reported in the original PMN is not subject to the notification requirement. The docket includes information considered by the Agency in developing the final rule and the new information considered when proposing the modification to this rule.

PMN Number P–07–601

Chemical name: 1-Propene, 2,3,3,3-tetrafluoro-.

CAS number: 754–12–1.

Federal Register *publication date and reference:* October 27, 2010 (75 FR 65987).

Basis for modification of the SNUR: In the final SNUR, EPA explained that it sought additional information to review use by consumers attempting to recharge air conditioning systems in vehicles originally charged with the refrigerant. Specifically, EPA sought an acute rabbit inhalation toxicity study to better characterize health effects from a single exposure and sought additional information on techniques or equipment to minimize exposure to consumers and data that quantifies exposures for durations shorter than the 30-minute time-weighted average (TWA) presented in the exposure study conducted by the PMN submitter. In response, the PMN submitter conducted an acute inhalation toxicity study with rabbits on the PMN substance. The submitted results demonstrated no toxicity in the one-hour exposure of rabbits to 0, 50,000, and 100,000 parts per million (ppm) of the PMN substance. The human equivalent concentration of the 100,000 ppm exposure in rabbits is 190,000 ppm and was utilized for a risk assessment. In addition, potential after-market manufacturers and the PMN submitter also provided additional information on the previously submitted exposure study that was conducted quantifying the exposures for durations shorter than 30 minutes and data on exposures from use of certain specified fittings. The test conditions demonstrated a highest 30-minute TWA exposure of 1,789 ppm. Based on the newly submitted data, EPA calculated the ratio of the level of exposure in rabbits that did not cause any effects with the highest measured TWA exposure. The calculated ratio is 106, which EPA considers protective of human health. The detailed risk assessment is contained in the public docket. Based on this new assessment, EPA proposes to find that use of the PMN substance by consumers to recharge air conditioning systems in vehicles originally charged with the refrigerant by the motor vehicle original equipment manufacturer (OEM) no longer meets the concern criteria at § 721.170(b). Based on this proposed finding, EPA is proposing to modify the SNUR by eliminating the requirement to submit a notice prior to the manufacture and processing for the specified consumer use of the PMN substance.

In addition, EPA is proposing to clarify the language in the regulatory text to more clearly communicate that manufacture and processing for use as a refrigerant in motor vehicle air conditioning systems in new passenger cars and vehicles as reported in the original PMN is not a significant new use. The current regulatory text identifies the significant new use by reference to 40 CFR 721.80(j), which refers to any ''use other than'' a use described in the premanufacture notice and then uses a parenthetical to more specifically identify the significant new use, beginning with ''use other than.'' However, using the language ''use other than'' when referring to a regulatory provision which begins with ''use other than'' can be confusing. As a result, EPA is proposing to clarify the regulatory text by simply identifying the significant new use as use other than as a refrigerant in motor vehicle air conditioning systems in new passenger cars and vehicles (i.e., as defined in 40 CFR 82.32 (c) and (d). The docket established for this proposed amendment to the SNUR is available under docket ID number EPA–HQ–OPPT–2008–0918.

CFR citation: 40 CFR 721.10182.

B. What is the Agency's authority for taking this action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the TSCA section 5(a)(2) factors, listed in Unit III. of this document. Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) and 40 CFR part 721 requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture (including import) or process the chemical substance for that use. Persons who must report are described in § 721.5.

EPA may respond to SNUNs by, among other things, issuing or modifying a TSCA section 5(e) consent order and/or amending the SNUR promulgated under TSCA section 5(a)(2). Amendment of the SNUR will often be necessary to allow persons other than the SNUN submitter to engage in the newly authorized use(s), because even after a person submits a SNUN and the review period expires, other persons still must submit a SNUN before engaging in the significant new use.

III. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure to human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to consider any other relevant factors.

To determine that consumer use in the recharge of motor vehicle air conditioning systems originally charged with the PMN substance by the motor vehicle OEM is not a significant new use of the chemical substance identified as 1-Propene, 2,3,3,3-tetrafluoro-(PMN P–07–601), EPA considered relevant information about the toxicity of the chemical substance, likely human exposures and environmental releases associated with this chemical use, taking into consideration the four bulleted TSCA section 5(a)(2) factors listed in this unit.

IV. Rationale for the Proposed Rule

During review of PMN P–07–601, the chemical substance identified as 1-Propene, 2,3,3,3-tetrafluoro-, EPA determined that one or more of the criteria of concern established at § 721.170 were met and regulation under section 5(a)(2) of TSCA was warranted. The basis for such findings is outlined in Unit II. of this document and in the **Federal Register** document of June 26, 1990 (55 FR 26102). Based on these findings, a SNUR was promulgated pursuant to § 721.170.

After the review of new test data and information subsequent to issuance of the SNUR (see Unit II.), and consideration of the factors included in TSCA section 5(a)(2) (see Unit III.), EPA proposes to find that the concern criteria in § 721.170(b), are no longer met for the consumer use in the recharge of motor vehicle air conditioning systems originally charged with the PMN substance by the motor vehicle OEM.

V. Economic Analysis

EPA evaluated the potential costs of establishing SNUN requirements for potential manufacturers, importers, and processors of the chemical substances during the development of the direct final rule. The Agency's complete Economic Analysis is available in the docket under docket ID number EPA–HQ–OPPT–2008–0918. This proposal will not add to the costs identified in that analysis as it would, if finalized, relieve an existing notification requirement for certain manufacturers and processors.

VI. Statutory and Executive Order Reviews

A. Executive Order 12866

This proposed rule would modify a SNUR for a chemical substance that is the subject of a PMN. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993).

B. Paperwork Reduction Act

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320.

This proposed rule would, if finalized, relieve an existing notification requirement for certain manufacturers and processors. The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action would not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency under the existing SNUR, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act

On February 18, 2012, EPA certified pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), that promulgation of a SNUR does not have a significant economic impact on a substantial number of small entities where the following are true:

1. A significant number of SNUNs would not be submitted by small entities in response to the SNUR.

2. The SNUN submitted by any small entity would not cost significantly more than $8,300.

A copy of that certification is available in the docket for this rule.

This rule is within the scope of the February 18, 2012 certification. Based on the Economic Analysis discussed in Unit V. and EPA's experience promulgating SNURs (discussed in the certification), EPA believes that the following are true:

- A significant number of SNUNs would not be submitted by small entities in response to the SNUR amendment.
- Submission of the SNUN would not cost any small entity significantly more than $8,300. Therefore, the promulgation of the SNUR amendment would not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reason to believe that any State, local, or Tribal government would be impacted by this proposed rule. As such, EPA has determined that this proposed rule would not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of sections 202, 203, 204, or 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

E. Executive Order 13132

This action would not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999).

F. Executive Order 13175

This proposed rule would not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This proposed rule would not significantly nor uniquely affect the communities of Indian Tribal governments, nor would it involve or impose any requirements that

affect Indian Tribes. Accordingly, the requirements of Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000), do not apply to this proposed rule.

G. Executive Order 13045

This action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211

This proposed rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

In addition, since this action does not involve any technical standards, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), does not apply to this action.

J. Executive Order 12898

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR7629, February 16, 1994).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 22, 2013.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. In § 721.10182, revise paragraphs (a)(1) and (a)(2)(i) to read as follows:

§ 721.10182 1-Propene, 2,3,3,3-tetrafluoro-.

(a) * * * (1) The chemical substance identified as 1-propene, 2,3,3,3-tetrafluoro- (PMN P– 07–601; CAS No. 754–12–1) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Industrial, commercial, and consumer activities.* A significant new use is use other than as a refrigerant in motor vehicle air conditioning systems in new passenger cars and vehicles (i.e., as defined in 40 CFR 82.32 (c) and (d)); § 721.80(m) (commercial use other than in passenger cars and vehicles in which the charging of motor vehicle air conditioning systems with the PMN substance was done by the motor vehicle original equipment manufacturer (OEM); § 721.80(o) (use in consumer products other than products used to recharge the motor vehicle air conditioning systems in passenger cars and vehicles in which the charging of motor vehicle air conditioning systems with the PMN substance was done by the motor vehicle OEM).

* * * * *

[FR Doc. 2013–12779 Filed 5–30–13; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 78, No. 105
Friday, May 31, 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

International Trade Administration

District Export Council Nomination Opportunity

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Opportunity for Appointment to serve as a District Export Council Member.

SUMMARY: The Department of Commerce is currently seeking nominations of individuals for consideration for appointment by the Secretary of Commerce to serve as members of one of the 59 District Export Councils (DECs) nationwide. DECs are closely affiliated with the U.S. Export Assistance Centers (USEACs) of the U.S. and Foreign Commercial Service (US&FCS), and play a key role in the planning and coordination of export activities in their communities.

DATES: Nominations for individuals to a DEC must be received by the local USEAC Director by close of business on July 15, 2013.

FOR FURTHER INFORMATION CONTACT: Please contact the Director of your local USEAC for more information on DECs and the nomination process. You may identify your local USEAC by entering your zip code online at *http://export.gov/usoffices/index.asp.* For general program information, contact Patrick Krissek, National DEC Liaison, US&FCS, at (202) 482–4231.

SUPPLEMENTARY INFORMATION: As lead organizations serving the international business community, and working together with USEACs, the mission of the DECs is to facilitate the development of an effective local export assistance network, support the expansion of export opportunities for local U.S. companies, serve as a communication link between the business community and US&FCS, and assist in coordinating the activities of trade assistance partners to leverage available resources. Individuals appointed to a DEC become part of a select corps of trade experts dedicated to providing international trade leadership and guidance to the local business community and assistance to the Department of Commerce on export development issues.

Selection Process: Each DEC has a target membership of 30. Approximately half of the positions are open on each DEC for the four-year term from January 1, 2014, through December 31, 2017. The local USEAC Director receives nominations for membership, and after ensuring that nominees meet the member criteria, makes recommendations to the Secretary of Commerce in consultation with the local DEC Executive Committee. After completion of a vetting process, the Secretary selects nominees for appointment to local DECs. DEC members are appointed by and serve at the pleasure of the Secretary of Commerce.

Membership Criteria: Appointment is based upon an individual's international trade leadership in the local community, ability to influence the local environment for exporting, interest in export development, and willingness and ability to devote time to DEC activities. Members include exporters, export service providers and others whose profession supports U.S. export promotion efforts. DEC member appointments are made without regard to political affiliation. DEC membership is open to U.S. citizens and permanent residents of the United States. As representatives of the local exporting community, DEC Members must reside in, or conduct the majority of their work in, the territory that the DEC covers. DEC membership is not open to federally-registered lobbyists, federal government employees, or individuals representing foreign governments.

Authority: 15 U.S.C. 1501 et seq., 15 U.S.C. 4721.

Elnora Moye,

Trade Program Assistant.

[FR Doc. 2013–12961 Filed 5–30–13; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC703

Endangered Species; File Nos. 17557 and 17273

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

ACTION: Notice; receipt of applications.

SUMMARY: Notice is hereby given that the National Ocean Service Marine Forensic Lab (NOS Lab) [Responsible Party: M. Katherine Moore], 219 Fort Johnson Road, Charleston, SC 29412 (File No. 17557), and the NOAA Fisheries Northeast Region, Protected Resources Division [Responsible Party: Mary Colligan], 1 Blackburn Drive, Gloucester, MA 01930 (File No. 17273), have applied in due form for permits to take marine mammal and endangered species parts for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before July 1, 2013.

ADDRESSES: The applications and related documents are available for review by selecting Records Open for Public Comment from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 17557 or 17273 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices: Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376;

File No. 17273: Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281–9328; fax (978) 281–9394; and

File No. 17557: Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824–5312; fax (727) 824–5309.

Written comments on these applications should be submitted to the Chief, Permits and Conservation Division

- by email to *NMFS.Pr1Comments@noaa.gov* (include

the File No. in the subject line of the email),

- by facsimile to (301) 713–0376, or
- at the address listed above.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on these applications would be appropriate.

FOR FURTHER INFORMATION CONTACT: Colette Cairns or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permits are requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The NOS Lab (File No. 17557) is requesting authority to receive, import, export, transfer, archive, and conduct analyses on an unlimited number of marine mammal and endangered species parts. Species include all cetaceans, pinnipeds (except for walrus), sea turtles (in the water), smalltooth (*Pristis pectinata*) and largetooth (*Pristis perotteti*) sawfish, shortnose (*Acipenser brevirostrum*), green (*Acipenser medirostris*), Atlantic (*Acipenser oxyrinchus oxyrinchus*) and Gulf (*Acipenser oxyrinchus desotoi*) sturgeon, black (*Haliotis cracherodii*) and white (*Haliotis sorenseni*) abalone, chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*) and sockeye (*Oncorhynchus nerka*) salmon, steelhead trout (*Oncorhynchus mykiss*), and totoaba (*Totoaba macdonaldi*). Samples would be archived at the NOS Lab and used to support law enforcement actions, research studies (primarily genetics), and outreach education. No live takes from the wild would be authorized. The permit would be valid for five years from the date of issuance.

The NOAA Fisheries Northeast Region (File No. 17273) requests authorization to collect, receive and transport 100 dead shortnose and 100 dead Atlantic sturgeon, or parts thereof, annually. Researchers also request authorization for the receipt and transport of up to 350 captive bred, dead shortnose sturgeon and up to 75 dead, captive bred Atlantic sturgeon annually from any U.S. facility authorized to hold captive sturgeon. The applicant requests authorization for the receipt, importation, exportation, transfer, archive and analysis of Atlantic and shortnose sturgeon parts and carcasses. Sturgeon samples would be obtained from individuals authorized to collect them in the course of scientific research, salvage activities, or taken during other authorized activities. Sturgeon parts and samples would be used to support law enforcement actions, research studies (primarily genetics), and outreach education. The permit would be valid for five years from the date of issuance.

Dated: May 28, 2013.

P. Michael Payne,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–12947 Filed 5–30–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC704

Endangered Species; File No. 17452

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Caleb Slater, Massachusetts Division of Fish and Wildlife, 1 Rabbit Hill Road, Westborough, MA, 01581, has applied in due form for a permit to take shortnose (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before July 1, 2013.

ADDRESSES: The application and related documents are available for review by selecting Records Open for Public Comment from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 17452 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376; and

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281–9328; fax (978) 281–9394.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division

- by email to *NMFS.Pr1Comments@noaa.gov* (include the File No. in the subject line of the email),
- by facsimile to (301) 713–0376, or
- at the address listed above.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Colette Cairns or Malcolm Mohead, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant proposes to conduct a study in the Taunton River, Massachusetts, to assess the current population status of Atlantic and shortnose sturgeon. For each species, up to 20 adult and juvenile animals would be collected annually using gill nets. Once captured, sturgeon would be measured, weighed, tissue sampled, and passive integrated transponder and Floy tagged. The proposed research would provide managers with a more comprehensive understanding of the presence, abundance, and distribution of protected sturgeon in Massachusetts waters and guide management efforts. The permit would be valid for five years from the date of issuance.

Dated: May 28, 2013.

P. Michael Payne,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–12946 Filed 5–30–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC706

Caribbean Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Caribbean Fishery Management Council's Scientific and

Statistical Committee (SSC) will hold meetings.

DATES: The SSC meetings will be held June 19–20, 2013. The SSC will convene on June 19, 2013, from 9 a.m. until 5 p.m., and will reconvene on June 20, 2013, from 8:30 a.m. to 5 p.m.

The meetings are open to the public, and will be conducted in English.

ADDRESSES: The meetings will be held at the Caribbean Fishery Management Council Headquarters, located at 270 Muñoz Rivera Avenue, 4th Floor, Suite 401, San Juan, Puerto Rico 00918

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918, telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The SSC will meet to discuss the items contained in the following agenda:

June 19, 2013—9 a.m.–5 p.m.

- Call to order
- Roll Call
- Adoption of Agenda

Review SEFSC re-analysis of queen and silk snapper based on SEDAR 26 data, including reviewing the assumptions of the new analysis and the most appropriate application of a control rule that would allow the estimation of quantitative ACL advice.

June 20, 2013—8:30 a.m.–5 p.m.

- Continue discussion of the new SEFSC queen and silk snapper analysis.
- Review and comment on the final stock assessment reports for SEDAR 30 U.S. Caribbean Queen triggerfish. The report can be downloaded from the SEDAR Web site: *http://www.sefsc.noaa.gov/sedar/Sedar_Workshops.jsp?WorkshopNum=30*
- Other business
- Adjourn meeting

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918, telephone (787) 766–5926, at least 5 days prior to the meeting date.

Dated: May 28, 2013

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–12911 Filed 5–30–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC698

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings and hearings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 113th Scientific and Statistical Committee, Executive and Budget Standing Committee, Pelagic and International and Protected Species Standing Committee and the 157th Council Meeting to take actions on fishery management issues in the Western Pacific Region.

DATES: The meetings will be held from June 18, 2013 through June 27, 2013. All meetings will be held in Honolulu, HI. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The SSC, Executive and Budget Standing Committee and the Pelagic and International and Protected Species Standing Committee meetings will be held at the Council Office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, telephone: (808) 522–8220. The 157th Council meeting will be held at the Laniakea YWCA-Fuller Hall, 1040 Richards Street, Honolulu, HI 96813, telephone: (808) 538–7061. The Fishers Forum will be held at the Harbor View Center, Pier 38, 1129 North Nimitz Highway, Honolulu, HI 96817, telephone: (808) 983–1200.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The Scientific and Statistical Committee (SSC) will meet from June 18, 2013 to June 20, 2013 between 8:30 a.m. and 5 p.m.; the Council's Executive and Budget Standing Committee will meet on June 25, 2013 between 10 a.m. and 12 noon; the Pelagic and International and Protected Species Standing Committee will meet on June 25 between 1 p.m. and 4 p.m.; the 157th Council meeting will be held between 8:30 a.m. and 5:30 p.m. on June 26, 2013, between 8:30 a.m. and 5 p.m. on June 27, 2013, and between 8:30 a.m. and 5 p.m. on June 28, 2013. A Fishers Forum will be held in association with the 157th Council Meeting between 6 p.m. and 9 p.m. on June 27, 2013.

In addition to the agenda items listed here, the Council will hear recommendations from Council advisory groups. Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for 113th SSC Meeting

8:30 a.m.–5 p.m. Tuesday, June 18, 2013

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 111th SSC Meeting Recommendations
4. Report from the Pacific Islands Fisheries Science Center (PIFSC) Director
5. Insular Fisheries
   - A. PIFSC Bottomfish Research
     - 1. Life History Investigations
       - a. Challenges of Traditional Age Estimation of Hawaii Bottomfish
       - b. Age-Validated Life Histories of Bottomfish: Hawaii and the Western Pacific
     - 2. Assessments
       - a. Report on Cooperative Research Cruise
       - b. Report on Bottomfish Restricted Fishing Area (BRFA) Evaluation
   - B. Plan Team Report
   - C. Public Comment
   - D. SSC Discussion and Recommendations
6. Program Planning
   - A. Re-specification of Acceptable Biological Catches (ABCs) (Action Item)
     - 1. Evaluation of the 2012 Catches Relative to 2012 Annual Catch Limits (ACLs)
     - 2. Modified Catch-Maximum Sustainable Yield (MSY) Approach to Specify ABCs
     - 3. Options for Re-specifying ABCs
       - a. Coral Reef Management Unit Species
       - b. Crustaceans and Precious Corals
       - c. Main Hawaiian Island (MHI) Deep 7 Bottomfish
       - d. Non-deep 7 Bottomfish
     - 4. Report from the P-star Working Group
   - B. Allocation
   - C. Subsistence Fisheries Definition
   - D. Cooperative Research Priorities
   - E. National Bycatch Report Update
   - F. Plan Team Report
   - G. Public Comment
   - H. SSC Discussion and Recommendations

8:30 a.m.–5 p.m. Wednesday, June 19, 2013

7. Pelagic Fisheries

A. Action Items
1. Modifying the Swordfish Trip Limit in the American Samoa Longline Fishery
2. Overfishing of Pacific Bluefin
3. Overfishing of North Pacific Western and Central Pacific Ocean (WCPO) Striped Marlin
4. Territory Longline Bigeye Tuna Limits
B. Fishery-induced Changes in the Sub-Tropical Pacific Pelagic Ecosystem
C. American Samoa and Hawaii Longline Quarterly Reports
D. International Fisheries Meetings
1. 85th Meeting of the Inter-American Tropical Tuna Commission (IATTC)
2. Forum Fisheries Agency (FFA)/ Forum Fisheries Committee (FFC) Sub-committee on Tuna and Billfish
E. Pelagic Plan Team
F. Public Comment
G. SSC Discussion and Recommendations
8. Protected Species
A. Age-Structured Model of False Killer Whales
B. Papahanaumokuakea Associated Cetacean Ecology Survey (PACES)
C. Updates on Endangered Species Act (ESA) and Marine Mammal Protection Act Actions (MMPA)
1. Proposed Rule to List 66 Species of Coral as Endangered or Threatened under the ESA
2. Humphead Wrasse Status Review
3. Green Turtle Status Review
4. North Pacific Humpback Whale Petition
5. Shark Petitions
6. Proposed 2013 MMPA List of Fisheries
D. Report of the False Killer Whale Take Reduction Team Meeting
E. Western Pacific Stock Assessment Review (WPSAR) on False Killer Whale Genetic Studies
F. Public Comment
G. SSC Discussion and Recommendations

8:30 a.m.–5 p.m. Thursday, June 20, 2013

9. Other Business
A. 114th SSC Meeting
10. Summary of SSC Recommendations to the Council

10 a.m.–12 Tuesday, June 25, 2013

Executive and Budget Standing Committee Meeting

1 p.m.–4 p.m. Tuesday, June 25, 2013

Pelagic and International and Protected Species Standing Committee

Schedule and Agenda for 157th Council Meeting

8:30 a.m.–5:30 p.m. Wednesday, June 26, 2013

1. Welcome and Introductions
2. Approval of the 157th Agenda
3. Approval of the 156th Meeting Minutes
4. Executive Director's Report
5. Agency Reports
A. National Marine Fisheries Service (NMFS)
1. Pacific Islands Regional Office (PIRO)
2. Pacific Islands Fisheries Science Center (PIFSC)
B. NOAA Office of General Counsel (OGC), Pacific Islands Report
C. U.S. Fish and Wildlife Service
D. Enforcement
1. U.S. Coast Guard (To be presented at 1:30 p.m. Thursday afternoon (June 27) before agenda item 10. Program Planning)
2. NMFS Office for Law Enforcement
3. NOAA General Counsel for Enforcement and Litigation
E. U.S. State Department
F. Public Comment
G. Council Discussion and Action
6. Hawaii Archipelago and PRIAs
A. Moku Pepa
B. Department of Land and Natural Resources Report
1. Enforcement—Cooperative Enforcement
2. Legislation
3. Notice of Intent to Conduct an EIS for the Sanctuary
4. Boat-based Commercial Marine License (CML) Changes
C. Bottomfish Fishery
1. Report on State Evaluation of BRFAs through BotCam Research
2. Report on MHI Bottomfish Research Cruise
3. Challenges of Traditional Age Estimation of Hawaii Bottomfish
4. Age-validated Life Histories of Bottomfish: Hawaii and the Western Pacific
D. Community Projects, Activities and Issues
1. Community Development Project (CDP) Multi-fishery Proposal-Ohai
2. Maui Community Fish Aggregating Devices (FADs)
3. Report on Aha Moku Projects
E. Report on Northwestern Hawaiian Islands (NWHI) Monument Permits and Projects
F. Big Ocean—Network of Large Scale Marine Managed Areas
G. Hawaii Outreach Activities
H. Regional Ecosystem Advisory Committee (REAC) Report
I. Hawaii Advisory Panel Report
J. Plan Team Reports
K. SSC Recommendations
L. Public Comment
M. Council Discussion and Action
7. Pelagic & International Fisheries
A. Fishery-induced Changes in the Sub-Tropical Pacific Pelagic Ecosystem
B. Action Items
1. Modifying the Swordfish Trip Limit in the American Samoa Longline Fishery
2. Overfishing of Pacific Bluefin
3. Overfishing of North Pacific WCPO Striped Marlin
4. Territory Longline Bigeye Limit
C. American Samoa and Hawaii Longline Quarterly Reports
D. International Fisheries Meetings
1. 85th IATTC Resolution on Tropical Tunas
2. FFA/FFC Sub-committee on Tuna and Billfish
3. Western and Central Pacific Fisheries Commission (WCPFC) Workshop for Tropical Tunas Conservation
E. Advisory Panel Reports
F. Pelagic Plan Team
G. SSC Recommendations
H. Standing Committee Recommendations
I. Public Hearing
J. Council Discussion and Action
8. Public Comment on Non-Agenda Items

8:30 a.m.–5 p.m. Thursday, June 27, 2013

9. Protected Species
A. Age-structured Model of False Killer Whale
B. Update on ESA and MMPA Actions
1. Proposed Rule to List 66 Species of Coral as Endangered or Threatened under the ESA
2. Humphead Wrasse Status Review
3. Green Turtle Status Review
4. North Pacific Humpback Whale Petition
5. Shark Petitions
6. Proposed 2013 List of Fisheries
C. ESA Section 7 Consultation of the Hawaii Deep-set Longline Fishery
D. Update on the Monk Seal Recovery Program
E. Update on the CCC/MAFAC ESA Working Group
F. Report on False Killer Whale Take Reduction Team Meeting
G. Advisory Panel Reports
H. Plan Team Reports
I. SSC Recommendations
J. Standing Committee Report
K. Public Comment
L. Council Discussion and Action
10. Program Planning and Research
A. Action Items
1. Re-specification of Annual Catch Limits (ACLs)
a. Evaluation of the 2012 catches relative to 2012 ACLs

b. Modified catch-MSY approach to specify ABCs
c. Options for re-specifying ACLs
i. Coral Reef Management Unit Species
ii. Crustaceans & Precious Corals
iii. Main Hawaiian Island Deep 7 Bottomfish
iv. Main Hawaiian Island Non-deep 7 Bottomfish
2. Report from the P* Working Group
3. Marine Conservation Plan Modifications
B. National Bycatch Report Update
C. Allocation
D. Subsistence Fisheries Definition
E. Update on Pacific Islands Regional Planning Body
F. Marine Conservation Institute (MCI) Report on Large Ocean Area Closures
G. Cooperative Research Priorities
H. Report on Marine Education and Training (MET) and Monument Project Grants
I. NOAA Seafood Stamp of Approval
J. Report of Managing Our Nation's Fisheries 3rd Meeting
K. Recreational Fisheries Update
L. Education and Outreach
M. Asian American & Pacific Islands Initiative
N. Advisory Panel Reports
O. Plan Team Reports
P. SSC Recommendations
Q. Public Hearing
R. Council Discussion and Action

6 p.m.–9 p.m. Thursday, June 27, 2013

Fishers Forum
''King Shark: From Man? to Jaws—Culture Science and Management of Sharks in Hawaii''

8:30 a.m.–5 p.m. Friday, June 28, 2013

11. Mariana Archipelago
A. Island Reports
1. Arongo Flaeey
2. Isla Informe
B. Legislative Report
1. Commonwealth of the Northern Mariana Islands (CNMI)
2. Guam
C. Enforcement Issues
1. CNMI
2. Guam
D. PIRO/PIFSC Marianas Trench Monument
1. Final Rule for Fishing Regulations
2. Projects and Activities
E. Report on the Guam Military Base Data Collection Project
F. Community Development and Issues
1. Merizo Community Resource Planning
2. Guam Community Development Projects Status Report
3. Saipan Longline Dock Study
4. Saipan Fishermen's Association Cooperative
5. Military Build-up Activities
a. Tinian
b. Northern Islands
6. Marianas Skipjack Resource Assessment
G. Education and Outreach Initiatives
1. Radio Station Program
2. Community Events
H. Guam and CNMI Advisory Panel Reports
I. Plan Team Reports
J. SSC Recommendations
K. Public Comment
L. Council Discussion and Action
12. American Samoa Archipelago
A. Motu Lipoti
B. Fono Report
C. Enforcement Issues
D. Community Activities and Issues
1. Update on Community Fisheries Development
E. Update on American Samoa National Marine Sanctuary
F. Rose Atoll Marine National Monument
1. PIRO/PIFSC Monument Permits and Projects
2. Final Rule for Fishing Regulations
G. FFA Sub-Regional Satellite Fisheries Office
H. Education and Outreach Initiatives
I. American Samoa Advisory Panel Report
J. Plan Team Reports
K. SSC Recommendations
L. Public Comments
M. Council Discussion and Action
13. Administrative Matters
A. Financial Reports
B. Administrative Reports
C. NMFS/Council Coordination
1. Report of May 2013 Council Coordination Committee Meeting
2. Office of the Inspector General (OIG) Report
D. Report on Marine Fisheries Advisory Committee (MAFAC) Meeting
E. Council Family Changes
1. American Samoa Advisory Panel
2. Noncommercial Advisory Committee
3. Protected Species Committee
4. Education Ad hoc Committee
5. Coastal Marine Spatial Planning (CMSP) and Climate Change
6. SSC
F. Meetings and Workshops
G. Other Business
H. Standing Committee Recommendations
I. Public Comment
J. Council Discussion and Action
14. Other Business

Non-Emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 157th meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 28, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–12910 Filed 5–30–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC710

Pacific Fishery Management Council (Pacific Council); Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Council and its advisory entities will hold public meetings.

DATES: The Pacific Council and its advisory entities will meet June 18–25, 2013. The Pacific Council meeting will begin on Thursday, June 20, 2013 at 8 a.m., reconvening each day through Tuesday, June 25, 2013. All meetings are open to the public, except a closed session will be held at the end of the scheduled agenda on Thursday, June 20, to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: Meetings of the Pacific Council and its advisory entities will be held at the Hyatt Regency Orange County, 11999 Harbor Boulevard, Garden Grove, CA 92840; telephone: (888) 421–1442.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: (503) 820–2280 or (866) 806–7204 toll free; or access the Pacific Council Web site, *http://www.pcouncil.org* for the current meeting location, proposed agenda, and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The following items are on the Pacific Council agenda, but not necessarily in this order.

A. Call to Order

1. Opening Remarks
2. Roll Call
3. Executive Director's Report
4. Approve Agenda

B. Open Comment Period

1. Comments on Non-Agenda Items

C. Administrative Matters

1. Reports on Managing Our Nation's Fisheries 3 Conference and the Council Coordination Committee Meeting
2. Approval of Council Meeting Minutes
3. Legislative Matters
4. Coastal Marine Spatial Planning Update
5. Fiscal Matters
6. Membership Appointments and Council Operating Procedures
7. Future Council Meeting Agenda and Workload Planning

D. Highly Migratory Species Management

1. National Marine Fisheries Service Report
2. U.S.-Canada Albacore Treaty Update
3. Preliminary Exempted Fishing Permit Approval
4. Response to Pacific Bluefin Tuna Overfished Status
5. North Pacific Albacore Tuna Precautionary Management Framework

E. Enforcement Issues

1. Vessel Monitoring System Declaration Regulations

F. Groundfish Management

1. National Marine Fisheries Service Report
2. Status of the Rationalized Trawl Fishery
3. Mid-Water Sport Fishery
4. Seabird Avoidance Regulations
5. Approve Stock Assessments
6. Trawl Rationalization Trailing Actions
7. Consideration of 2015–16 and Beyond Harvest Specifications and Management Measures
8. Adopt Preliminary Stock Complex Aggregations
9. Consideration of Inseason Adjustments

G. Habitat

1. Current Habitat Issues

H. Ecosystem-Based Management

1. Update List of Fisheries

SCHEDULE OF ANCILLARY MEETINGS

	Time	Location
Tuesday, June 18, 2013:		
SSC Groundfish Subcommittee and STAR Panel Updates	9 a.m.	Royal C Room.
Wednesday, June 19, 2013:		
Groundfish Management Team	8 a.m.	Regal Room.
Highly Migratory Species Advisory Subpanel	8 a.m.	Terrace A–D Room.
Highly Migratory Species Management Team	8 a.m.	Terrace E–F Room.
Scientific and Statistical Committee	8 a.m.	Royal C Room.
Legislative Committee	12 Noon	Royal E Room.
Budget Committee	2 p.m.	Granada Room.
Enforcement Consultants	5 p.m.	Royal D–F Room.
Thursday, June 20, 2013:		
California State Delegation	7 a.m.	Royal E Room.
Oregon State Delegation	7 a.m.	Royal D–F Room.
Groundfish Advisory Subpanel	8 a.m.	Royal E Room.
Groundfish Management Team	8 a.m.	Regal Room.
Highly Migratory Species Advisory Subpanel	8 a.m.	Terrace A–D Room.
Highly Migratory Species Management Team	8 a.m.	Terrace E–F Room.
Scientific and Statistical Committee	8 a.m.	Royal C Room.
Habitat Committee	8:30 a.m.	Valencia Room.
Chair's Reception	6 p.m.	Pool North Tower.
Enforcement Consultants	As Necessary	Royal D–F Room.
Friday, June 21, 2013:		
California State Delegation	7 a.m.	Royal E Room.
Oregon State Delegation	7 a.m.	Royal D–F Room.
Washington State Delegation	7 a.m.	Royal C Room.
Groundfish Advisory Subpanel	8 a.m.	Royal E Room.
Groundfish Management Team	8 a.m.	Regal Room.
Enforcement Consultants	As Necessary	Royal D–F Room.
Saturday, June 22, 2013:		
California State Delegation	7 a.m.	Royal E Room.
Oregon State Delegation	7 a.m.	Royal D–F Room.
Washington State Delegation	7 a.m.	Royal C Room.
Groundfish Advisory Subpanel	8 a.m.	Royal E Room.
Groundfish Management Team	8 a.m.	Regal Room.
Enforcement Consultants	As Necessary	Royal D–F Room.
Sunday, June 23, 2013:		
California State Delegation	7 a.m.	Royal E Room.
Oregon State Delegation	7 a.m.	Royal D–F Room.
Washington State Delegation	7 a.m.	Royal C Room.
Groundfish Advisory Subpanel	8 a.m.	Royal E Room.
Groundfish Management Team	8 a.m.	Regal Room.

SCHEDULE OF ANCILLARY MEETINGS—Continued

	Time	Location
Coastal Pelagic Species Advisory Subpanel	8 a.m.	Royal C Room.
Coastal Pelagic Species Management Team	8 a.m.	Royal D–F Room.
Enforcement Consultants	As Necessary	TBD.
Monday, June 24, 2013:		
California State Delegation	7 a.m.	Royal E Room.
Oregon State Delegation	7 a.m.	Royal D–F Room.
Washington State Delegation	7 a.m.	Royal C Room.
Groundfish Advisory Subpanel	8 a.m.	Royal E Room.
Groundfish Management Team	8 a.m.	Regal Room.
Coastal Pelagic Species Advisory Subpanel	8 a.m.	Royal C Room.
Coastal Pelagic Species Management Team	8 a.m.	Royal D–F Room.
Enforcement Consultants	As Necessary	TBD.
Tuesday, June 25, 2013:		
California State Delegation	7 a.m.	Royal E Room.
Oregon State Delegation	7 a.m.	Royal D–F Room.
Washington State Delegation	7 a.m.	Royal C Room.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed 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 Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: May 28, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–12948 Filed 5–30–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC691

Western Pacific Fishery Management Council; Public Meetings; Correction

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

ACTION: Notice of correction of a public meeting.

SUMMARY: The Western Pacific Regional Fishery Management Council's (Council) will convene meetings of its Hawaii, American Samoa, Guam and Commonwealth of the Mariana Islands (CNMI) Archipelagic Advisory Panels (APs) and the Hawaii Regional Ecosystem Advisory Committee (REAC). See **SUPPLEMENTARY INFORMATION** for specific times, dates, and agenda items.

DATES: The Guam AP will be held on June 3, 2013, from 6 p.m.–10 p.m. The American Samoa AP will be held on June 5, 2013 from 2 p.m. to 6 p.m. The CNMI AP will be held on June 5, 2013 from 1 p.m.–5 p.m. The Hawaii AP will be held on June 13, 2013 from 9 a.m.–2 p.m. The Hawaii REAC will be held on June 17, 2013, from 9 a.m. to 4 p.m.

ADDRESSES: The Guam AP meeting will be held at the Guam Fishermen's Cooperative, Greg D. Perez Marina, Hagatna Boat Basin, Guam, telephone: (671) 472–6323. The American Samoa AP will be held at Toa's Bar and Grill Conference Room, Lions Park Road Nu'uuli Village, American Samoa, telephone: (684) 699–2901. The CNMI AP will be held at the Conference Room, Department of Lands and Natural Resources Lower Base Drive, Saipan, CNMI, telephone: (670) 664–6000. The Hawaii AP and the Hawaii REAC meetings will be held at the Western Pacific Regional Fishery Management Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI, telephone: (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The original notice published in the **Federal Register** on May 20, 2013 (78 FR 29322). This notice announces a change in the date for the REAC meeting and several agenda items. The notice is being republished in its entirety.

Agenda for Guam AP, June 3, 2013, 6 p.m.–10 p.m.

1. Welcome and Introductions
2. Update on previous AP recommendations
3. Update on Roles and Responsibilities of AP

A. Update on Web sites, Groupspace, Fishbox
B. Council Coordination in Guam

4. Council Issues and Action Items

A. Recommendations on 2014 Annual Catch Limits
B. Updates on Endangered Species Act (ESA) Listings
C. Fishery Community Engagement
i. Update on Council Education and Outreach
ii. Update on Community Fishery Development Projects
iii. Update on Guam Data Collection Projects

5. Guam AP issues

A. Marianas Science Workshop
B. Marine Education and Training Program
C. Local Fishery Issues
D. Other AP Issues

6. Other Business
7. Public Comment
8. Discussion and AP Recommendations to Council

Agenda for American Samoa AP, June 5, 2013, 2 p.m.–6 p.m.

1. Welcome and Introductions
2. Update on Previous AP Recommendations
3. Update on Roles and Responsibilities of AP
4. Update on AS Fishermen Database
5. Council Issues and Action Items

A. Revision of American Samoa Longline Swordfish Catch Limit
B. Recommendations on 2014 Annual Catch Limits

C. Review of minimum 100 m Hook Depth for American Samoa Longline Fishery
D. Update on Community Fishery Development
6. American Samoa AP Issues
A. Dock issues in Pago Pago Harbor
B. Incentive Program for Local Fishermen to Promote Fishing and Provision of Catch Data
C. Equipment store at the Fagatogo Marketplace
D. Fishing Issues at Aunu'u with New Sanctuary Regulations
E. Potential training opportunities for AP Members
F. Potential Funding Sources to Assist Local Small Fishing Boat Owners
G. Outreach to Manu'a Fishermen
H. Other AP Issues
7. Other Business
8. Public Comment
9. Discussion and AP Recommendations to Council

Agenda for CNMI AP, June 7, 2013, 1 p.m.–5 p.m.

1. Welcome and Introductions
2. Update on Previous AP Recommendations
3. Update on Roles and Responsibilities of the AP
4. Council Issues and Action Items
A. Recommendations on 2014 Annual Catch Limits
B. Update on ESA Listings
5. CNMI AP Issues
A. Department of Defense Training Proposals
B. Proposed Fisheries Legislations
C. Update on CNMI Fisheries Review Committee
D. Update on CNMI Bio-sampling Program
E. Marine Conservation Plan Updates
F. Update on Fisheries Development Projects
G. Other AP Issues
6. Other Business
7. Public Comment
8. Discussion and AP Recommendations to Council

Hawaii AP Agenda, June 13, 2013, 9 a.m.–2 p.m.

1. Welcome and Introductions
2. Update on previous AP recommendations
3. Update on Roles and Responsibilities of AP
3. Council Issues and Action Items
A. Pelagic and International fisheries
B. Insular Fisheries
i. Update on Hawaii Bottomfish Fishery
ii. Recommendations for 2014 Annual Catch Limits
C. Update on Protected Species Issues
D. Fishery Community Engagement
i. Hawaii High School Summer Course
ii. Engagement with communities
a. Community Fish Aggregation Devices
b. Aha Moku
c. Community Monitoring Projects
5. Hawaii AP issues
6. Other Business
7. Public Comment
8. Discussion and AP Recommendations to Council

Hawaii REAC Agenda, June 17, 2013, 9 a.m.–4 p.m.

1. Welcome and Introduction of Members
2. Approval of Draft Agenda
3. Update on REAC 2012 Recommendations and Activities
4. Panel Presentations—Potential Impacts on Hawaii Communities from Climate Change
A. Sea-level Rise
B. Ocean Acidification
C. Marine Ecosystems
D. Cumulative Impacts
5. Fishermen's Perspectives on Impacts to Hawaii Fisheries
i. Offshore Fisheries
ii. Coastal Fisheries
6. Guest Presentation—US National Park Service Perspective on Climate Change and Cultural Resource Adaptation
7. Law and Policy for Climate Change Impacts
8. Other Business
A. First Stewards Symposium
B. Council Coastal and Marine Spatial Planning/Climate Change Committee
C. Next REAC Meeting Agenda and Topic
9. Public Comment
10. REAC Discussion and Recommendations on Potential Impacts and Management Planning for Climate Change

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed 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 Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 28, 2013.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–12909 Filed 5–30–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Post Allowance and Refiling

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 July 30, 2013.

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

- *Email: InformationCollection@uspto.gov.* Include ''0651–0033 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, Senior 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.* Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents. When an application for a patent is allowed by the USPTO, the USPTO issues a notice of allowance and the applicant must pay the specified

issue fee (including the publication fee, if applicable) within three months to avoid abandonment of the application. If the appropriate fees are paid within the proper time period, the USPTO can then issue the patent. If the fees are not paid within the designated time period, the application is abandoned and the applicant may petition the Director to accept a delayed payment with a satisfactory showing that the delay was unavoidable or unintentional. The Petition for Revival of an Application for Patent Abandoned Unavoidably (Form PTO/SB/61) and the Petition for Revival of an Application for Patent Abandoned Unintentionally (Form PTO/SB/64) are approved under information collection 0651–0031. The rules outlining the procedures for payment of the issue fee and issuance of a patent are found at 37 CFR 1.18 and 1.311–1.317.

Chapter 25 of Title 35 U.S.C. provides for several actions that an applicant may take after issuance of a patent, including requesting a certificate of correction to correct an error or errors in the patent. If the USPTO determines that the request should be approved, the USPTO will issue a certificate of correction. For an original patent that is believed to be wholly or partly inoperative, the assignee(s) or inventor(s) may apply for reissue of the patent, which entails several formal requirements including an oath or declaration stating that the errors in the patent were not the result of any deceptive intention on the part of the reissue applicant. If additional errors are corrected after the filing of the reissue application and the original reissue oath/declaration, the reissue applicant must submit a supplemental oath or declaration stating that the additional errors also occurred without any deceptive intent. The rules outlining these procedures are found at 37 CFR 1.171–1.178 and 1.322–1.325.

The public uses this information collection to request corrections of errors in issued patents, to submit applications for reissue patents, and to submit issue fee payments. The USPTO is removing the fee costs associated with the information requirements in this collection because these fees have been moved into information collection 0651–0072, which was approved by OMB in January 2013 in conjunction with the USPTO rulemaking ''Setting and Adjusting Patent Fees'' (RIN 0651–AC54).

II. Method of Collection

By mail, facsimile, hand delivery, or electronically to the USPTO.

III. Data

OMB Number: 0651–0033.

Form Number(s): PTO/SB/44/50/51/51S/52/53/56/141, PTO/AIA/05/06/07, and PTOL–85B.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: 352,150 responses per year. The USPTO estimates that approximately 25% of these responses will be from small entities.

Estimated Time per Response: The USPTO estimates that it will take the public from 12 minutes (0.20 hours) to 5 hours to gather the necessary information, prepare the appropriate form or document, and submit the information to the USPTO.

Estimated Total Annual Respondent Burden Hours: 191,690 hours.

Estimated Total Annual Respondent Cost Burden: $31,276,990. The USPTO expects that the information in this collection will be prepared by attorneys at an estimated rate of $371 per hour, except for the Issue Fee Transmittal, which will be prepared by paraprofessionals at an estimated rate of $122 per hour. Therefore, the USPTO estimates that the respondent cost burden for this collection will be approximately $31,276,990 per year.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Certificate of Correction (PTO/SB/44)	1 hour	26,000	26,000
Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) (PTO/SB/141)	30 minutes	750	375
Reissue Documentation	5 hours	800	4,000
Reissue Patent Application Transmittal (PTO/SB/50)	12 minutes	800	160
Reissue Application Declaration by the Inventor or the Assignee (PTO/SB/51/52 and PTO/AIA/05/06) or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64) (PTO/AIA/07).	30 minutes	1,150	575
Supplemental Declaration for Reissue Patent Application to Correct ''Errors'' Statement (37 CFR 1.175) (PTO/SB/51S).	18 minutes	500	150
Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53)	12 minutes	1,350	270
Reissue Application Fee Transmittal Form (PTO/SB/56)	12 minutes	800	160
Issue Fee Transmittal (PTOL–85B)	30 minutes	50,000	25,000
Issue Fee Transmittal (electronic) (PTOL–85B)	30 minutes	270,000	135,000
Totals		352,150	191,690

Estimated Total Annual Non-hour Respondent Cost Burden: $48,022. There are no capital start-up, maintenance, or recordkeeping costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of postage costs.

There are fees associated with the information requirements in this collection. These fees are covered under OMB control number 0651–0072. The fees are listed in the accompanying table for reference but will not be included in the annual (non-hour) cost burden for this collection.

Item	Current fee amount
Certificate of Correction (PTO/SB/44)	$100.00.
Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) (PTO/SB/141)	(large entity) 140.00. (small entity) 70.00. (micro entity) 35.00.
Reissue Documentation	0.00.

Item	Current fee amount
Reissue Patent Application Transmittal (PTO/SB/50)	0.00.
Reissue Application Declaration by the Inventor or the Assignee (PTO/SB/51/52 and PTO/AIA/05/06) or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64) (PTO/AIA/07).	0.00.
Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) (PTO/SB/51S).	0.00.
Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53)	0.00.
Reissue Application Fee Transmittal Form (PTO/SB/56)—includes the basic filing fee (280 large/140 small/70 micro), search fee (600/300/150), and examination fee (2,160/1,080/540).	(large entity) 3,040.00. (small entity) 1,520.00. (micro entity) 760.00.
Issue Fee (utility patent, no publication fee) (PTOL–85B)	(large entity) 1,780.00. (small entity) 890.00. (micro entity) 445.00.
Issue Fee (utility patent, with 300 publication fee) (PTOL–85B)	(large entity) 2,080.00. (small entity) 1,190.00. (micro entity) 745.00.
Issue Fee (design patent, no publication fee) (PTOL–85B)	(large entity) 1,020.00. (small entity) 510.00. (micro entity) 255.00.
Issue Fee (plant patent, no publication fee) (PTOL–85B)	(large entity) 1,400.00. (small entity) 700.00. (micro entity) 350.00.
Issue Fee (plant patent, with 300 publication fee) (PTOL–85B)	(large entity) 1,700.00. (small entity) 1,000.00. (micro entity) 650.00.

Customers may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO estimates that the average first-class postage cost for a mailed submission will be 92 cents and that approximately 52,198 submissions will be mailed to the USPTO per year, for a total estimated postage cost of $48,022 per year.

The total annual (non-hour) respondent cost burden for this collection is estimated to be approximately $48,022 per year.

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: May 24, 2013.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer.

[FR Doc. 2013–12879 Filed 5–30–13; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase from People Who are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions from the Procurement List.

SUMMARY: The Committee is proposing to add services to the Procurement List that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products previously furnished by such agencies.

DATES: Comments Must be Received On or Before: 7/1/2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

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 provide the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location: Janitorial/Custodial Service, Missouri River Area Office, 790 E. Highway 224, Napoleon, MO.
NPA: Cooperative Workshops, Inc., Sedalia, MO.
Contracting Activity: Dept of the Army, W071 ENDIST Kansas City, Kansas City, MO.

Service Type/Location: Grounds Maintenance Service, U.S. Census Bureau National Processing Center, 1201 E 10th Street, Jeffersonville, IN.
NPA: Rauch, Inc., New Albany, IN.
Contracting Activity: Dept Of Commerce, Bureau of the Census, Jeffersonville, IN.

Service Type/Location: Janitorial/Custodial Service, Drug Enforcement Agency (DEA) Aviation Facility, 2300 Horizon Drive, Fort Worth, TX.
NPA: Crossroads Diversified Service, Inc., Sacramento, CA.
Contracting Activity: Dept Of Justice, Headquarters-Drug Enforcement Administration, Arlington, VA.

Deletions

The following products are proposed for deletion from the Procurement List:

Products

Yardstick

NSN: 5210–00–243–3349.
NPA: Northeastern Michigan Rehabilitation and Opportunity Center (NEMROC), Alpena, MI.
Contracting Activities: General Services Administration, Tools Acquisition Division II, Kansas City, MO.

Scarf, Head-Over

NSN: 8440–01–291–5451.
NPA: ASPIRO, Inc., Green Bay, WI.
Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–12901 Filed 5–30–13; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition

AGENCY: Committee for Purchase from People Who are Blind or Severely Disabled.

ACTION: Addition to the Procurement List.

SUMMARY: This action adds products to the Procurement List that will be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

DATES: Effective Date: 7/1/2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Addition

On 4/5/2013 (78 FR 20622–20623), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of a qualified nonprofit agency to provide the products and impact of the addition on the current or most recent contractor, the Committee has determined that the products 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 organization that will furnish the products to the Government.
2. The action will result in authorizing a small entity to furnish the products to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 USC 8501–8506) in connection with the products proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products are added to the Procurement List:

Products

Gloves, Mechanics, Men's and Women's, Black

NSN: 8415–01–497–5381—small.
NSN: 8415–01–497–5384—medium.
NSN: 8415–01–497–5989—large.
NSN: 8415–01–497–5987—xlarge.
NSN: 8415–01–501–1557—xxlarge.
NPA: South Texas Lighthouse for the Blind, Corpus Christi, TX.
Contracting Activity: General Services Administration, Fort Worth, TX.
Coverage: B-List for the Broad Government Requirement as aggregated by the General Services Administration.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–12902 Filed 5–30–13; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 13–28]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 13–28 with attached transmittal, and policy justification.

Dated: May 28, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

MAY 17 2013

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 13-28, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to The Netherlands for defense articles and services estimated to cost $191 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

William E. Landay III
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE 5001–06–C

Transmittal No. 13–28

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended (U)

(i) *Prospective Purchaser:* The Netherlands

(ii) *Total Estimated Value:*

Major Defense Equipment*	$ 10 million
Other	181 million
Total	191 million

* as defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* continuation of a Continental United States (CONUS)-based Royal Netherlands Air Force F–16 Formal Training Unit (FTU), 50,000 MJU–7B w/BBU–36B Infrared Decoy Flares, 30,000 RR–188 w/BBU–35B Training Chaff, 3,750 BDU–33D/B w/lugs/Mk4 spot low-drag training bombs, 240 MK–82 inert low-drag general purpose bombs, 90 GBU–12 inert laser-guided bombs, 60–GBU–38 inert GPS guided bombs, 120,000 PGU–27 inert training rounds, pilot training, JP–8 fuel, air refueling support, airlift services, base operating support, facilities, training munitions, technical data and publications, personnel training and training equipment, U.S. government and contractor technical and logistics support services, and other related elements of logistics support.

(iv) *Military Department:* Air Force (NXZ).

(v) *Prior Related Cases, if any:*

FMS case NZS-$122 million-31Dec06.
FMS case NZU-$93 million-19Aug10.

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None.

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None.

(viii) *Date Report Delivered to Congress:* 17 May 2013.

POLICY JUSTIFICATION

The Netherlands—F–16 Pilot Training and Logistics Support

The Government of the Netherlands has requested a possible sale for the continuation of a Continental United States (CONUS)-based Royal Netherlands Air Force (RNLAF) F–16 Formal Training Unit (FTU), 50,000 MJU–7B w/BBU–36B Infrared Decoy Flares, 30,000 RR–188 w/BBU–35B Training Chaff, 3,750 BDU–33D/B w/ lugs/Mk4 spot low-drag training bombs, 240 MK–82 inert low-drag general purpose bombs, 90 GBU–12 inert laser-guided bombs, 60–GBU–38 inert GPS guided bombs, 120,000 PGU–27 inert training rounds, pilot training, JP–8 fuel, air refueling support, airlift services, base operating support, facilities, training munitions, technical data and publications, personnel training and training equipment, U.S. government and contractor technical and logistics support services, and other related elements of logistics support. The estimated cost is $191 million.

This proposed sale contributes to the foreign policy and national security objectives of the U.S. by improving the capabilities of the RNLAF and enhancing its standardization and interoperability with U.S. forces.

The RNLAF trains aircrews in aircraft operations and tactics with the 162nd Fighter Wing at Tucson Air National Guard Base. The continuation of this U.S.-based training supports the RNLAF's ability to continue its contributions to Overseas Contingency Operations and to North Atlantic Treaty Organization air policing operations in Afghanistan, as well as to possible future coalition operations.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The U.S. Air Force will manage the F–16 pilot training program for the RNLAF. The Tucson Air National Guard, 162nd Fighter Wing will provide instruction, flight operations, and maintenance support and facilities. There is no prime contractor involved in this program. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any U.S. Government or contractor representatives to The Netherlands.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2013–12932 Filed 5–30–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the National Commission on the Structure of the Air Force

AGENCY: Director of Administration and Management (DA&M), DoD.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense (DoD) announces that the following Federal advisory committee meetings of the National Commission on the Structure of the Air Force (''the Commission''), to include a closed session, will take place.

DATES: *Date of the Closed Meeting, including Hearing and Commission Discussion:* June 3, 2013, from 7:15 a.m. to 5:30 p.m. *Date of the Open Meeting, including Hearing and Commission Discussion:* June 4, 2013, from 8:30 a.m. to 5:30 p.m.

ADDRESSES: *Address of Closed Meeting:* 2521 South Clark Street, Suite 525, Crystal City, VA 22202. *Address of Open Meeting:* Rayburn House Office Building, Room 2360, at Independence Avenue and South Capitol Street Washington, DC 20003. Please use the main entrance on South Capitol Street.

FOR FURTHER INFORMATION CONTACT: Mrs. Marcia Moore, Designated Federal Officer, National Commission on the Structure of the Air Force, 1950 Defense Pentagon, Room 3A874, Washington, DC 20301–1950, Email: *dfoafstrucomm@osd.mil.* Desk (703) 571–7057. Facsimile (703) 692–5625.

SUPPLEMENTARY INFORMATION:

Purpose of Meetings: The members of the Commission will hear testimony from individual witnesses and convene immediately after their hearings to discuss the hearings.

Agenda

June 3, 2013—Closed Hearing: DoD military leaders will speak at the closed hearing on June 3, 2013 and have been asked to address national security matters pertaining to the U.S. Air Force, the Air National Guard, and the U.S. Air Force Reserve that affected the capabilities and force structure of the U.S. Air Force. DoD speakers will also provide classified information on the roles, missions and capabilities of the various DoD components and how they contribute to the national defense strategy, the integration of force requirements, and DoD's strategies and capabilities to address conflicts and threats. Invited, but not confirmed, speakers include the Secretary and Chief of Staff of the U.S. Air Force, the Director of the Air National Guard, the Chief of the Air Force Reserve, and representatives from the Joint Chiefs of Staff.

June 4, 2013—Public Hearing: Congressional representatives, DoD leaders, private citizens and professional military associations are invited to speak at the public hearing on June 4, 2013 and are asked to address matters pertaining to the U.S. Air Force, the Air National Guard, and the U.S. Air Force Reserve such as their common and unique interests, roles, history, organizational structure, and operational factors influencing decision-making. These witnesses are also asked to address the evaluation factors under consideration by the Commission for a U.S. Air Force structure that—(A) meets current and anticipated requirements of the combatant commands; (B) achieves an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each; (C) ensures that the regular and reserve components of the Air Force have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States; (D) provides for sufficient numbers of regular members of the Air Force to provide a base of trained personnel from which the personnel of the reserve components of the Air Force could be recruited; (E) maintains a peacetime rotation force to support operational tempo goals of 1:2 for regular members of the Air Forces and 1:5 for members of the reserve components of the Air Force; and (F) maximizes and appropriately balances affordability, efficiency, effectiveness, capability, and readiness. Individual Commissioners will also report their activities, information collection, and analyses to the full Commission.

Meeting Accessibility: In accordance with section 10(d) of the FACA, 5 U.S.C. 552b, and 41 CFR 102–3.155, the DoD has determined that the meeting scheduled for June 3, 2013 will be

closed to the public. Specifically, the Director of Administration and Management, with the coordination of the DoD FACA Attorney, has determined in writing that this portion of the meeting will be closed to the public because it will discuss matters covered by 5 U.S.C. 552b(c)(1).

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and the availability of space, the meeting scheduled for June 4, 2013 at the Rayburn House Office Building is open to the public. Seating is limited and pre-registration is strongly encouraged for all attendees. Media representatives are also encouraged to register. Members of the media must comply with the rules of the House of Representatives regarding photography and video filming in the Rayburn House Office Building. The closest public parking facility is located at the Union Station train depot. Visitors to the Rayburn House Office Building are screened by a magnetometer, and all items that are permitted inside the building are screened by an x-ray device. Visitors should keep their belongings with them at all times.

The following items are strictly prohibited in the Rayburn House Office Building:

Liquid, including water;

Food or beverage of any kind, including fruit and unopened packaged food;

Aerosol containers;

Non-aerosol sprays (Prescriptions for medical needs are permitted.);

Any pointed object, e.g., knitting needles and letter openers (Pens and pencils are permitted.);

Any bag larger than 18″ wide x 14″ high x 8.5″ deep;

Electric stun guns, martial arts weapons or devices;

Guns, replica guns, ammunition and fireworks;

Knives of any size;

Mace and pepper spray;

Razors and box cutters.

Written Comments: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments to the Commission in response to the stated agenda of the open and/or closed meeting or the Commission's mission. The Designated Federal Officer (DFO) will review all submitted written statements. Written comments should be submitted to Mrs. Marcia Moore, DFO, via facsimile or electronic mail, the preferred modes of submission. Each page of the comment must include the author's name, title or affiliation, address, and daytime phone number. Mailed written comments will be given to the Commission before or after the meeting if postmarked by May 31, 2013. All contact information may be found in **FOR FURTHER INFORMATION CONTACT**.

Oral Comments: In addition to written statements, one hour will be reserved for individuals or interested groups to address the Commission on June 4, 2013. Oral commenters must summarize their oral statement in writing and submit with their registration. The Commission's staff will assign time to oral commenters at the meeting, for no more than 5 minutes each. While requests to make an oral presentation to the Commission will be honored on a first come, first served basis, other opportunities for oral comments will be provided at future meetings.

Registration: Individuals who wish to attend the public hearing and meeting on Tuesday, June 4, 2013 are encouraged to register for the event with the Designated Federal Officer using the electronic mail and facsimile contact information found in the **FOR FURTHER INFORMATION CONTACT** section. The communication should include the registrant's full name, title, affiliation or employer, email address, day time phone number. If applicable, include written comments and a request to speak during the oral comment session. (Oral comment requests must be accompanied by a summary of your presentation.) Registrations and written comments must be typed.

Due to difficulties beyond the control of the Commission or its DFO, this **Federal Register** notice for the June 3–4, 2013 meetings as required by 41 CFR 102–3.150(a) was not met. Accordingly, the Advisory Committee Management Officer for the DoD, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Background

The National Commission on the Structure of the Air Force was established by the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239). The Department of Defense sponsor for the Commission is the Director of Administration and Management, Mr. Michael L. Rhodes. The Commission is tasked to submit a report, containing a comprehensive study and recommendations, by February 1, 2014 to the President of the United States and the Congressional defense committees. The report will contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study. The comprehensive study of the structure of the U.S. Air Force will determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the U.S. Air Force in a manner consistent with available resources.

Dated: May 28, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–12951 Filed 5–30–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–0122]

Privacy Act of 1974; System of Records

AGENCY: National Geospatial-Intelligence Agency, DoD.

ACTION: Notice to Add a New System of Records.

SUMMARY: The National Geospatial-Intelligence Agency is establishing a new system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a(r)), as amended.

DATES: This proposed action will be effective on July 1, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before July 1, 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 for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to 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: National Geospatial-Intelligence Agency

(NGA), ATTN: Security Specialist, Mission Support, MSRS P–12, 7500 GEOINT Drive, Springfield, VA 22150.

SUPPLEMENTARY INFORMATION: The National Geospatial-Intelligence Agency notices for systems of records 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 proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on November 27, 2012, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: May 23, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NGA–004

SYSTEM NAME:

NGA Threat Mitigation Records

SYSTEM LOCATION:

Records are maintained at NGA headquarters in Washington, DC metro facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals known or appropriately suspected to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism (''known or suspected terrorists''), individuals who were officially detained during military operations, but not as Enemy Prisoners of War, and who have been identified to pose an actual or possible threat to national security (hereinafter military detainees).

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying information, such as name, date of birth, place of birth, biometrics, photographs, passport and/or drivers' license information, and other available identifying particulars used to compare the identity of an individual being screened with a known or suspected terrorist, including audit records containing this information.

For known or suspected terrorists, in addition to the categories of records listed above, references to and/or information from other government law enforcement and intelligence databases, or other relevant databases that may contain terrorism information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. Chapter 22, The National Geospatial-Intelligence Agency; 50 U.S.C. 402a, Coordination of Counterintelligence Activities; and HSPD–24, Biometrics for Identification and Screening to Enhance National Security.

PURPOSE(S):

NGA collects, uses, maintains, and disseminates information to facilitate NGA's counterintelligence activities, including activities related to international counterterrorism. Threat Mitigation data, which includes personally identifiable information (PII), is necessary for NGA to effectively and efficiently conduct its mission by assessing the risk and/or threat to NGA personnel, property, information and facilities posed by persons who have been deemed known or suspected terrorists or have a nexus to criminal activity.

NGA is receiving information relevant for use in authorized screening processes to assist in detecting and mitigating domestic and international threats to the United States (U.S.) and U.S. interests worldwide.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES FOR 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 may be specifically disclosed outside of the DoD as a routine use pursuant to 5 U.S.C. a(b)(3) as follows:

The DoD Blanket Routine Uses set forth at the beginning of NGA's compilation of systems of records notices may apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are stored electronically in secure facilities behind a locked door with strict physical access controls in place. The records are stored on magnetic disc, tape, digital media, and CD–ROM.

RETRIEVABILITY:

Records may be retrieved by name or other personal identifier listed in the Categories of records section.

SAFEGUARDS:

The records are stored on a stand-alone system and are safeguarded in accordance with applicable rules and policies, including all applicable NGA automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. Usage of physical access controls, encryption, monitoring and auditing mechanisms protect the information stored on the system.

RETENTION AND DISPOSAL:

Disposition pending (until the National Archives and Records Administration approve the retention and disposition of these records, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Security and Installation Counterespionage Division, Cyber Branch (SICCC), National Geospatial-Intelligence Agency (NGA).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the National Geospatial-Intelligence Agency (NGA), Freedom of Information Act/Privacy Act Office, 7500 GEOINT Drive, Springfield, VA 22150.

A request for notification must meet the requirements of 32 CFR 320.4. The request envelope and letter should both be clearly marked ''Privacy Act Inquiry.''

The written request must contain your full name, current address, and date and place of birth. Also include an explanation of why you believe NGA would have information on you and specify when you believe the records would have been created.

You must sign your request and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury, as a substitute for notarization.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the National Geospatial-Intelligence Agency (NGA), Freedom of Information Act/Privacy Act Office, 7500 GEOINT Drive, Springfield, VA 22150.

A request for access must meet the requirements of 32 CFR 320.4. The request envelope and letter should both be clearly marked ''Privacy Act Inquiry.''

The written request must contain your full name, current address, and date and place of birth. Also include an explanation of why you believe NGA would have information on you and specify when you believe the records would have been created.

You must sign your request and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury, as a substitute for notarization.

CONTESTING RECORDS PROCEDURE:

Individuals contesting the accuracy of records in this system of records containing information about themselves should address written inquiries to the National Geospatial-Intelligence Agency (NGA), Freedom of Information Act/Privacy Act Office, 7500 GEOINT Drive, Springfield, VA 22150.

A request for contesting records must meet the requirements of 32 CFR 320.4. The request envelope and letter should both be clearly marked ''Privacy Act Inquiry.''

The written request must contain your full name, current address, and date and place of birth. Also include an explanation of why you believe NGA would have information on you and specify when you believe the records would have been created.

You must sign your request and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury, as a substitute for notarization.

RECORD SOURCE CATEGORIES:

Records are received from the JUSTICE/FBI–019 Terrorist Screening Records System, system of records notice published in the **Federal Register** (76 FR 77846, December 14, 2011).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Exempt materials from JUSTICE/FBI–019 Terrorist Screening Records System may become part of the case records in this system of records. To the extent that copies of exempt records from JUSTICE/FBI–019, Terrorist Screening Records System are entered into these Threat Mitigation case records, NGA hereby claims the same exemptions, (j)(2) and (k)(2), for the records as claimed in JUSTICE/FBI–019, Terrorist Screening Records system of records of which they are a part.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3)(c) and (e) and it published at 32 CFR part 320.

[FR Doc. 2013–12876 Filed 5–30–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Science and Technology Reinvention Laboratory Personnel Management Demonstration Project, Department of the Army, Army Research, Development and Engineering Command, Edgewood Chemical Biological Center (ECBC)

AGENCY: Office of the Deputy Under Secretary of Defense (Civilian Personnel Policy), (DUSD (CPP)), Department of Defense (DoD).

ACTION: Notice to make changes to the ECBC **Federal Register** notice, published on December 29, 2009 (74 FR 68936–68966).

SUMMARY: Section 342(b) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 1995, as amended by section 1109 of NDAA FY 2000 and section 1114 of NDAA FY 2001, authorizes the Secretary of Defense to conduct personnel demonstration projects at Department of Defense (DoD) laboratories designated as Science and Technology Reinvention Laboratories (STRLs). The above-cited legislation authorizes DoD to conduct demonstration projects to determine whether a specified change in personnel management policies or procedures would result in improved Federal personnel management. This notice makes changes to the ECBC Personnel Management Demonstration Project. It includes revisions to the annual review for supervisory/team leader base pay adjustments and adds clarification of the waiver to 5 U.S.C. 7512(4), amends procedures for recruiting and filling positions above the minimum of the pay band; and eliminates within grade increase (WGI) buy-ins for certain personnel actions.

DATES: This notice may be implemented beginning on the date of publication.

FOR FURTHER INFORMATION CONTACT: ECBC: Ms. Patricia Milwicz, Edgewood Biological Chemical Center, (RDCB–DPC–W), 5183 Blackhawk Road, Building 3330, Room 264, Aberdeen Proving Ground, MD 21010–5424; *Patricia.L.Milwicz.civ@mail.mil.* DoD: Mr. William T. Cole, Defense Civilian Personnel Advisory Services, Non-Traditional Personnel Programs (DCPAS–NTPP), 4800 Mark Center Drive, Suite 05L28, Alexandria, VA 22350–1100; *William.Cole@cpms.osd.mil.*

SUPPLEMENTARY INFORMATION:

1. Background

The final plan for the ECBC personnel demonstration project was published in the **Federal Register** on December 29, 2009 (74 FR 68936–68966). The ECBC demonstration project involves: (1) Two appointment authorities (permanent and modified term); (2) extended probationary period for newly hired engineering and science employees; (3) pay banding; (4) streamlined delegated examining; (5) modified reduction-in-force (RIF) procedures; (6) simplified job classification; (7) a pay-for-performance based appraisal system; (8) academic degree and certificate training; (9) sabbaticals; and (10) a Voluntary Emeritus Corps.

2. Overview

With over one year of implementation experience, ECBC has recognized the need for several changes to the original project plan. This amendment addresses those changes and adds clarification of the waiver to 5 U.S.C. chapter 75, section 7512(4). There are three changes being made to the final project plan published December 29, 2009. First, the supervisory/team leader pay adjustments are currently reviewed annually based solely on the appraisal scores for the performance element, Team Project Leadership or Supervisor (EEO). During the annual review, this change incorporates the original criteria used during the pay adjustment approval process as well as the appraisal scores for the performance element Team Project Leadership or Supervisor (EEO). Decreases in the supervisory/team leader pay adjustments can be for any amount (including the full amount) of the current supervisory/team leader pay adjustment and will not be considered an adverse action. Second, during the hiring process, qualifications required for all positions are currently tied to the lowest level of the pay band. This change allows for hiring in the middle or higher end of the pay band for those positions that warrant experience and/or skills in the intermediate or journeyman level of the pay band. And third, the within-grade buy-in is currently provided for employees who enter the demo by lateral transfer, reassignment, or realignment. This change will eliminate the within-grade buy-in for those employees as other pay flexibilities already in place allow for other compensation options.

3. Access to Flexibilities of Other STRLs

Flexibilities published in this **Federal Register** shall be available for use by all STRLs listed in 5 U.S.C. 9902(c)(2), if they wish to adopt them in accordance with DoD Instruction 1400.37 (available at *http://www.dtic.mil/whs/directives/corres/pdf/140037p.pdf*); 73 FR 73248–73252, December 2, 2008; and the fulfilling of any collective bargaining agreements.

I. Executive Summary

The STRL personnel management demonstration projects are generally similar in nature to the first personnel demonstration project at Department of the Navy's China Lake. The ECBC personnel demonstration project is built upon the concepts of broad-banded pay systems and simplified classification; pay for performance; recruitment and staffing changes; enhanced training and development; a Voluntary Emeritus Corps; and sabbaticals. The purpose of the project is to achieve the best workforce for the ECBC mission and improve workforce quality.

II. Introduction

A. Purpose

The purpose of this notice is to amend the **Federal Register**, Department of Defense, Science and Technology Reinvention Laboratory Personnel Management Demonstration Project, Department of the Army, Army Research, Development and Engineering Command, Edgewood Chemical Biological Center (ECBC), December 29, 2009 (74 FR 68936–68966) as follows:

1. Under, Part III. Personnel Changes, D. Hiring Authority, 1. Qualifications, on page 68950, in the third column, replace first paragraph as follows:

''The qualifications required for placement into a position in a pay band within an occupational family will be determined using the OPM Operating Manual for Qualification Standards for GS Positions. Since the pay bands are anchored to GS grade levels, the minimum qualification requirements will be no lower than the requirements corresponding to the lowest GS grade level incorporated into that pay band. Specific experience and/or education required will be determined based on whether a position to be filled is at the lower, middle, or higher end of the pay band. For example, for a position in the E&S occupational family, Pay Band II individuals must meet the basic requirements for a GS–5 as specified in the OPM Qualification Standard for Professional and Scientific Positions. However, in situations where management determines the position must be filled at the middle or higher end of the band, individuals will be required to meet specific experience and/or educational requirements that exceed the minimum qualifications. This information will be clearly stated within the vacancy announcement.''

2. Under, Part III. Personnel Changes, F. Pay Setting, 7. Supervisory and Team Leader Pay Adjustments, on page 68954, in the second column, in the last paragraph, the first, second and third sentences are replaced as follows: ''The supervisory/team leader pay adjustment will be reviewed annually and may be increased or decreased by a portion or by the entire amount of the supervisory/team leader pay adjustment based upon the employee's performance appraisal score for the performance element, Team Project Leadership or Supervision/EEO and/or criteria outlined above. If the entire portion of the supervisory/team leader pay adjustment is to be decreased, the initial dollar amount of the supervisory/team leader pay adjustment will be removed. A decrease to the supervisory/team leader pay adjustment as a result of the annual review or when an employee voluntarily leaves a position is not an adverse action and is not subject to appeal.''

3. Under Part V. Conversion, on page 68957, in the third column, A. Conversion to the Demonstration Project, remove third paragraph: ''Employees who enter the demonstration project later by lateral transfer, reassignment or realignment will be subject to the same pay conversion rules. If conversion into the demonstration project is accompanied by a geographic move, the employee's GS pay entitlements in the new geographic areas must be determined before performing the pay conversion.''

4. Under, Part IX. Required Waivers to Law and Regulation, on page 68961, A. Waivers to Title 5, U.S.C., chapter 75, section 7512(4), in the third column, Adverse actions. Add the following to the last sentence continued on page 68962, first column: ''Or (3) decreases in the amount of a supervisory or team leader pay adjustment during the annual review process.''

B. Employee Notification

Demonstration project policies and procedures are posted on the internal network. ECBC employees receiving a supervisory or team leader pay adjustment will sign a statement of understanding acknowledging that adverse action provisions do not apply to decreases in the amount of a supervisory or team leader pay adjustment based on the annual review.

Dated: May 28, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–12930 Filed 5–30–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2013–0029]

Proposed Collection; Comment Request

AGENCY: Department of Defense/Department of the Air Force/Headquarters Air Force Recruiting Service (DoD/USAF/AFRS).

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Air Force announces a reinstatement of a public information collection and seeks public comment on the provisions thereof. 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 of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 30, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to 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: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Chief Operations Division, Headquarters Air Force Recruiting Service, 550 D Street West Suite 1, Randolph AFB, TX 78150–4527.

Title; Associated Form; and OMB Number: Air Force Recruiting Information Support System—Total Force (AFRISS–TF); Multiple Forms; OMB Number 0701–0150.

Needs and Uses: The system will provide field recruiters an automated tool to process prospective Active, Guard and Reserve applicants; evaluate recruiter's and job counselor's activity and efficiency levels; and analyze pre-enlistment job cancellations for common reasons.

Affected Public: Individuals or households and federal government.

Annual Burden Hours: 3,900,000.

Number of Respondents: 1,300,000.

Responses per Respondent: 15.

Average Burden per Response: 12 minutes.

Frequency: 1,300,000 respondents.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Air Force (AF) Active, Air National Guard (ANG), and Air Force Reserve Command (AFRC) duty field recruiters have a need for an automated tool to initially build prospective enlistees for all recruiting accessions for Enlisted, Officer, and Health Professions. Air Force Recruiting Information Support System-Total Force (AFRISS–TF) provides a comprehensive integration, interface, and standardization of all programs that manage personnel resources in support of recruiting and collecting personnel private information required to induct into the Armed Forces.

The system extends automated capabilities out to the individual recruiter, flight, squadron, and groups. It provides an automated interface to Military Entrance Processing Center Station (MEPS) where applicants undergo physical, testing, verification interviews, and tentative job reservation that can be entered into AFRISS–TF. It also provides reporting capabilities at all levels of management to make informed decisions on recruiting practices.

Dated: May 24, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–12878 Filed 5–30–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education (NACIE)

AGENCY: U.S. Department of Education.

ACTION: Notice of an open teleconference meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming teleconference meeting of the National Advisory Council on Indian Education (the Council) and is intended to notify the general public of the meeting. This notice also describes the functions of the Council. Notice of the Council's meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act.

Date And Time: June 17, 2013—12:00 p.m.–2:00 p.m. Eastern Daylight Time.

Location: The meeting will be conducted via conference call with NACIE members. Up to 30 dial-in, listen-only phone lines will be made available to the public on a first come, first served basis. The conference call number is 1–800–871–9060 and the participant code is 929296858#.

The public is also invited to attend the conference call meeting at the U.S. Department of Education, 400 Maryland Street SW., Rooms 2C100/2C101, Washington, DC 20202–6400. Members of the public should report to the security desk and a form of federal I.D. will be required for security clearance and escorted access to the meeting room.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is authorized by Section 7141 of the Elementary and Secondary Education Act. The Council is established within the Department of Education to advise the Secretary of Education on the funding and administration (including the development of regulations, and administrative policies and practices) of any program over which the Secretary has jurisdiction and includes Indian children or adults as participants or programs that may benefit Indian children or adults, including any program established under Title VII, Part A of the Elementary and Secondary Education Act. The Council submits to the Congress, not later than June 30 of each year, a report on the activities of the Council that includes recommendations the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants or that may benefit Indian children or adults, and recommendations concerning the funding of any such program. One of the Council's responsibilities is to develop and provide recommendations to the Secretary of Education on the funding and administration (including the development of regulations, and administrative policies and practices) of any program over which the Secretary has jurisdiction. The Council is convening this 2 hour meeting to conduct the following business: 1) Final discussion, review and approval of the annual report to Congress; 2) follow-up on recommendations submitted to the Secretary of Education concerning the funding and administration of programs; and, 3) decide on the possible dates for the next open public meeting(s) for the NACIE.

FOR FURTHER INFORMATION CONTACT: Jenelle Leonard, Designated Federal Official, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202. Telephone: 202–205–2161. Fax: 202–205–5870.

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice by June 11, 2013. There will not be an opportunity for public comment during this meeting; however, members of the public are encouraged to submit written comments via email to *TribalConsultation@ed.gov.*

A report of the meeting activities and related matters that are informative to the public and consistent with the policy of section 5 U.S.C. 552b(c) will be available to the public within 21 days of the meeting. Records are kept of all Council proceedings and are available for public inspection at the Office of Indian Education, United States Department of Education, 400 Maryland Avenue SW., Washington, DC 20202. Monday–Friday, 8:30 a.m.–5 p.m. Eastern Daylight Time.

Electronic Access to This Document: You may 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) on the Internet at the following site: *www.ed.gov/news/fedregister/index.html.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–866–512–1830; or in the Washington, DC, area at (202) 512–0000.

Note: 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 on GPO Access at: *www.gpoaccess.gov/nara/index.html.*

Deborah S. Delisle,

Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2013–12954 Filed 5–30–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, June 20, 2013; 6:00 p.m.

ADDRESSES: Barkley Centre, 111 Memorial Drive, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Rachel Blumenfeld, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6806.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

- Call to Order, Introductions, Review of Agenda
- Administrative Issues
- Public Comments (15 minutes)
- Adjourn

Breaks Taken as Appropriate

Public Participation: The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Rachel Blumenfeld as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Rachel Blumenfeld at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

Minutes: Minutes will be available by writing or calling Rachel Blumenfeld at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.pgdpcab.energy.gov/2013Meetings.html.*

Issued at Washington, DC, on May 24, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–12914 Filed 5–30–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and International Security, Department of Energy.

ACTION: Proposed Subsequent Arrangement.

SUMMARY: The Department is providing notice of a proposed agreement between the Government of the United States of America and the Government of the Republic of Korea that is being processed as a subsequent arrangement.

DATES: This subsequent arrangement will take effect no sooner than June 17, 2013.

FOR FURTHER INFORMATION CONTACT: Mr. Sean Oehlbert, Office of Nonproliferation and International Security, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–3806 or email: *Sean.Oehlbert@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: The agreement being processed as a subsequent arrangement is the proposed Agreement between the Government of the United States of America and the Government of the Republic of Korea Relating to the Transfer of Certain Nuclear Technologies in the Course of the Joint Fuel Cycle Study (the Agreement) being conducted by authorized technical experts from the United States of America and the Republic of Korea (ROK). The Joint Fuel Cycle Study (JFCS) will explore the technical and economic feasibility and the nonproliferation acceptability of the electrochemical recycling process and of other spent fuel management options. The purpose of the Agreement is to establish legal procedures and controls governing the transfer of technologies under the course of the JFCS that are necessary for its successful completion.

The U.S. Government has concluded that electrochemical recycling technology as defined in the Agreement is sensitive nuclear technology (SNT) within the meaning of Section 4(a)(5) of the Nuclear Non-Proliferation Act of 1978 (22 USC 3203(a)(5)), and that the transfer of such technology to the ROK is necessary for the successful completion of the JFCS. Sections 127 and 128 of the Atomic Energy Act of 1954, as amended (AEA), impose certain requirements on the export of SNT. In order to meet those requirements and proceed with the transfer of SNT as part of this cooperation, the U.S. Government must obtain the ROK government's agreement to conditions on the transferred SNT and any nuclear material or equipment produced through its use. The Agreement was explicitly developed to meet the requirements of AEA Sections 127 and 128 regarding the transfer of SNT to the ROK and contains all the terms and conditions required therein.

The Agreement would impose reciprocal obligations on both the U.S. Government and the ROK government regarding all technology transferred under the Agreement, including SNT, except insofar as the Agreement reflects the different obligations of the two governments under their respective safeguards agreements with the International Atomic Energy Agency (IAEA).

Although the Agreement would not be concluded pursuant to an agreement for nuclear cooperation entered into pursuant to Section 123 of the AEA, the results of the collaboration eventually may be applicable to spent nuclear fuel

in the ROK that is subject to the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Korea Concerning Civil Uses of Atomic Energy, signed at Washington November 24, 1972, as amended, or a successor agreement. Moreover, as noted above, the U.S. Government considers electrochemical recycling technology, as defined in the Agreement, to be SNT under U.S. law, as it constitutes information not available to the public that is important to the design, construction, fabrication, operation or maintenance of a nuclear fuel reprocessing facility. Taking these factors into account, the Department of Energy and the Department of State have concluded that it would be appropriate to follow the consultation and review procedures in AEA Section 131a. concerning subsequent arrangements prior to entering into the Agreement and for the Department of State to prepare a Nuclear Proliferation Assessment Statement.

As provided in Section 131a. of the Atomic Energy Act of 1954, as amended, I have determined that this subsequent arrangement will not be inimical to the common defense and security. In reaching this determination, all relevant factors were considered, including the Nuclear Proliferation Assessment Statement provided by the Department of State.

Dated: May 14, 2013.

Daniel B. Poneman,

Acting Secretary of Energy.

Agreement Between the Government of the United States of America and the Government of the Republic of Korea Relating to the Transfer of Certain Nuclear Technologies in the Course of the Joint Fuel Cycle Study

The Department of State refers the Embassy of the Republic of Korea to the collaboration between the Government of the United States of America (United States) and the Government of the Republic of Korea (ROK) considering the technical, economic, and nonproliferation aspects of spent fuel management technologies in the course of the Joint Fuel Cycle Study undertaken by our two governments beginning in April 2011 (such collaboration being hereinafter referred to as the ''Collaboration''). The Department of State proposes the following agreement (the ''Agreement'') with respect to the transfer of the technologies described in Section I (2) below between the United States and the ROK in connection with the Collaboration:

I. For purposes of this Agreement, the following terms shall have the following meanings:

1. ''Parties'' shall mean the Government of the United States of America and the Government of the Republic of Korea.

2. ''Technologies'' (hereinafter referred to in whole or in part in this Agreement as the ''technologies'') shall mean the following:

(a) Electrochemical recycling technology; and

(b) Any other technology that the Parties agree in writing to make subject to the provisions of this Agreement in connection with the Collaboration.

The term ''technologies'' does not include information that is in the public domain. Technologies may be in tangible form (such as a model, prototype, blueprint, operation manual, electronically stored data), or intangible form (such as technical services), and shall include information or data incorporated in equipment.

3. ''Electrochemical recycling technology'' shall mean all information on research, development, and design of all process steps and major critical components of electrochemical recycling (also known as pyroprocessing). For purposes of this Agreement, electrochemical recycling technology shall not include information on the pretreatment and oxide to metal electro-reduction steps in which transuranics are not capable of being separated.

4. ''Transferred Technologies'' shall mean any technologies (as defined in Section I (2) above) transferred between the Parties in accordance with Section IV of this Agreement in the course of the Collaboration at any time after entry into force of this Agreement, and shall include both the technologies as originally transferred and the technologies as modified or melded with other technology either through joint collaboration between the United States and the ROK or by either the United States or the Republic of Korea without participation of the other. Transfers of and cooperation on technologies subject to this Agreement may be undertaken directly between the Parties or through their Executive Agents or through authorized Persons, and may be accomplished through various means, including reports, data banks, computer programs, meetings, visits, and assignments of staff to facilities. Transfers of any technologies made in accordance with Section IV of this Agreement by one Party to individuals, wherever located, who are authorized by the other Party to receive information in the course of the Collaboration shall be deemed to be transfers to the authorizing country for purposes of this Agreement.

5. ''Equipment'' shall mean any installation, facility, system, device, substance or any other item other than nuclear material (including an especially designed component of any of the foregoing) that either Party has determined to be capable of making use of special nuclear material or of significance for nuclear explosive purposes.

6. ''Nuclear material'' shall mean (a) ''source material,'' namely, uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other substance containing one or more of the foregoing in such concentration as may be agreed to by the Parties; and (b) ''special nuclear material,'' namely, plutonium, uranium 233, uranium enriched in the isotope 233 or 235; any substance containing one or more of the foregoing; and such other substance as may be agreed to by the Parties.

7. ''Produce,'' when used in relation to special nuclear material, shall mean (a) to manufacture, make, produce, or refine special nuclear material; (b) to separate special nuclear material from other substances in which such material may be contained; or (c) to make or to produce new special nuclear material.

8. ''Executive Agents'' shall mean the Department of Energy for the United States and the Ministry of Education, Science and Technology for the Republic of Korea.

9. ''Information in the public domain'' shall mean information that has been made available without restrictions on its further dissemination. Copyright restrictions do not remove information from being in the public domain.

10. ''Person'' shall mean any individual or any entity subject to the jurisdiction of either Party but does not include the Parties to this Agreement.

II. The Parties agree to the following requirements, provided that these requirements shall not apply to a Party with respect to specific technologies developed solely by that Party and transferred by it to the other Party.

1. Safeguards.

(a) International Atomic Energy Agency (IAEA) safeguards as required by Article III (2) of the Treaty on the Non-Proliferation of Nuclear Weapons done at Washington, London, and Moscow on July 1, 1968 (NPT) shall be applied to any nuclear material within the territory or under the jurisdiction or control anywhere of the ROK used in or

produced by or through the use of Transferred Technologies, including, but not limited to, nuclear material used in or produced by or through the use of equipment produced or constructed by or through the use of Transferred Technologies.

(b) IAEA safeguards shall be maintained with respect to all peaceful nuclear activities in, under the jurisdiction of, or carried out under the control anywhere of the ROK.

(c) Implementation of the Agreement between the Government of the Republic of Korea and the International Atomic Energy Agency for the application of safeguards in connection with the NPT, signed on October 31, 1975, which entered into force on November 14, 1975, and the Additional Protocol thereto, which entered into force on February 19, 2004, shall be considered to fulfill the requirements in paragraphs (a) and (b) of this Section II (1).

(d) Any nuclear material within the territory or under the jurisdiction or control anywhere of the United States of America used in or produced by or through the use of Transferred Technologies, including, but not limited to, nuclear material used in or produced by or through the use of equipment produced or constructed by or through the use of Transferred Technologies, shall be subject to the agreement between the United States of America and the IAEA for the application of safeguards in the United States of America, signed on November 18, 1977, and entered into force on December 9, 1980, and the Additional Protocol thereto, which entered into force on January 6, 2009.

(e) In the event that the IAEA safeguards agreement referred to in paragraph (c) of this Section II (1) is not being applied, the ROK shall enter into an agreement with the IAEA for the application of safeguards which provides for effectiveness and coverage equivalent to that provided by the safeguards agreement required by paragraph (c) or, if that is not possible, the Parties shall immediately establish safeguards arrangements for the application of safeguards which provide for effectiveness and coverage equivalent to that provided by the safeguards agreement required by paragraph (c).

(f) In the event that the IAEA safeguards agreement referred to in paragraph (d) of this Section II (1) is not being applied, the United States shall enter into an agreement with the IAEA for the application of safeguards which provides for effectiveness and coverage equivalent to that provided by the safeguards agreement required by paragraph (d), or if that is not possible, the Parties shall immediately establish safeguards arrangements for the application of safeguards which provide for effectiveness and coverage equivalent to that provided by the safeguards agreement required by paragraph (d).

2. Peaceful Use.

Transferred Technologies, any nuclear material or equipment produced or constructed under the jurisdiction or control of either the United States or the ROK by or through the use of Transferred Technologies, including, but not limited to, nuclear material used in or produced through the use of equipment produced or constructed by or through the use of Transferred Technologies, shall not be used for any nuclear explosive device or for research on or development of any nuclear explosive device or for any other military purpose.

3. Physical Protection.

(a) All necessary measures shall be maintained to ensure adequate protection of Transferred Technologies against loss, theft, or unauthorized access.

(b) Adequate physical protection shall be maintained with respect to any nuclear material and equipment produced or constructed by or through the use of Transferred Technologies, including, but not limited to, nuclear material used in or produced through the use of equipment produced or constructed by or through the use of Transferred Technologies. To fulfill this requirement, such physical protection measures shall provide levels of protection at least equivalent to (i) the recommendations published in the IAEA document INFCIRC/225/Rev.4, ''The Physical Protection of Nuclear Material and Nuclear Facilities,'' and in any subsequent revision thereto accepted by both Parties, and (ii) the provisions of the Convention on the Physical Protection of Nuclear Material, adopted at Vienna October 26, 1979, and any amendments to the Convention that enter into force for both Parties.

4. Retransfer.

Transferred Technologies, and nuclear material and equipment produced or constructed under the jurisdiction or control of the recipient Party by or through the use of Transferred Technologies, including, but not limited to, nuclear material used in or produced through the use of equipment produced or constructed by or through the use of Transferred Technologies, shall not be transferred to unauthorized Persons or beyond the territory, jurisdiction or control of either the United States or the ROK (except to each other) unless the Parties agree, and unless the proposed recipient nation or nations provide assurances to the Parties that the proposed retransfer of technologies shall be subject to conditions equivalent to those set forth in Sections I–II, V, and X of this Agreement with respect to the transfer of the technologies.

5. Reprocessing and Other Alteration in Form or Content.

(a) In light of the fact that this Agreement covers transfers of technologies for research and development, Transferred Technologies, and any equipment produced or constructed under the jurisdiction or control of either Party by or through the use of Transferred Technologies, shall be used solely for research and development purposes, and shall not be used to reprocess or otherwise alter in form or content any irradiated nuclear material within the territory or under the jurisdiction or control of either Party, unless the Parties agree. The Parties note that continuation of the research and development envisioned by the Collaboration may at some time in the future involve alteration in form or content of nuclear material. The Parties agree, therefore, to review at an appropriate time the issue of consent to alteration in form or content to support continued research and development in the Collaboration, and recognize that granting any such consent will be subject to compliance with any necessary domestic legal requirements of the Party granting the consent.

(b) No nuclear material produced by or through the use of Transferred Technologies, including, but not limited to, nuclear material used in or produced through the use of equipment produced or constructed by or through the use of Transferred Technologies, shall be reprocessed, and no irradiated fuel elements containing such material removed from a reactor shall be altered in form or content, except by irradiation or further irradiation, unless the Parties agree.

(c) The requirements set forth in paragraphs (a) and (b) of this Section II (5) for agreement of the Parties in order for the activities described therein to take place shall be deemed satisfied with respect to a particular facility if the Parties agree, in a separate agreement between them, on reprocessing or alteration in form or content of nuclear material in that facility.

III. By written notice to the other Party, each Party may add additional Executive Agents or change its Executive Agent(s).

IV. Prior to transfer of any technologies intended to be subject to this Agreement, the transferring Party, through its Executive Agent, shall notify the other Party, through its Executive Agent, in writing of the proposed transfer, together with a summary description of the specific technologies to be transferred. Technologies proposed to be transferred from one Party to the other in the course of the Collaboration shall not be subject to this Agreement unless the recipient Party, through its Executive Agent, notifies the transferring Party in writing, through its Executive Agent, prior to the transfer, that it consents to receive the specific technologies and confirms that the Transferred Technologies, upon receipt, shall be subject to the terms and conditions set forth herein. Either Party shall have the right not to accept a proposed transfer of technologies under this Agreement.

V. Each Party shall maintain an inventory of the technologies transferred to the other Party pursuant to the Collaboration, and shall provide an annual report to the other Party of the technologies transferred to the other Party pursuant to the Collaboration. Each Party shall provide an annual report to the other Party of all Transferred Technologies it holds pursuant to the Collaboration (including, but not limited to, technologies modified or melded with other technology by the recipient Party through the use of Transferred Technologies), of all its nuclear material and equipment produced or constructed through the use of Transferred Technologies, and of all its nuclear material used in or produced through the use of equipment produced or constructed by or through the use of Transferred Technologies. The Executive Agents may establish arrangements for the notification of transfers, the annual reports and inventories.

VI. If any question arises concerning the interpretation or application of this Agreement, the Parties shall, at the request of either of them, consult with each other. Any dispute between the Parties regarding interpretation or implementation of this Agreement shall be promptly negotiated by the Parties with a view to resolving that dispute, and may be addressed through diplomatic channels or any other peaceful means of settlement of disputes agreed to by the Parties.

VII. The terms of this Agreement shall be implemented in good faith and in a manner designed to avoid undue interference in the execution of the Joint Fuel Cycle Study, and with due regard to the long-term requirements of the nuclear energy programs in place in the United States and the Republic of Korea, in order to promote the peaceful uses of nuclear energy.

VIII. Except as otherwise provided in Section II (5) (c) of this Agreement, the provisions of this Agreement are in addition to and shall not supersede the provisions of the Agreement for Cooperation Between the Government of the Republic of Korea and the Government of the United States of America Concerning Civil Uses of Atomic Energy, signed on November 24, 1972, as amended on June 26, 1974, or any other agreement between the Parties establishing conditions relating to the transfer of nuclear material or equipment from the territory of one Party to the territory of the other Party, whether directly or through a third country.

IX. This Agreement shall remain in force for a period of 20 years. This term may be extended for such additional periods as may be agreed in writing by the Parties. Either Party may terminate this Agreement before its expiration date by notifying the other in writing through diplomatic channels of its intention at least one (1) year prior to the intended date of such termination.

X. Notwithstanding the termination or expiration of this Agreement, Sections I–II, V and X of this Agreement shall continue to apply so long as any Transferred Technologies or nuclear material or equipment subject to those Sections remains within the territory of the United States or the ROK, whichever is concerned, or under its jurisdiction or control anywhere, or until such time as the Parties agree:

1. with respect to such nuclear material or equipment, that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or

2. with respect to any of the Transferred Technologies, that such specific Transferred Technologies shall no longer be subject to this Agreement.

Within 60 days of a request by either Party at any time during the term of this Agreement or upon the expiration or termination of this Agreement or the Collaboration, the Parties shall commence consultations, which the Parties shall complete no later than 180 days from the request of either Party, to determine whether any specific technologies within the definition of Transferred Technologies under this Agreement can be removed from the coverage of this Agreement, and if the Parties so agree, the identified technologies shall no longer be subject to this Agreement.

If these proposals are acceptable to the Government of the ROK, it is further proposed that this Note, together with the Embassy's affirmative Note in reply on behalf of the Government of the ROK, shall constitute an agreement between the two governments, which shall enter into force on the date of the second note in a later exchange of notes between the two governments indicating that each has completed its internal steps necessary for entry into force.

Department of State.

[FR Doc. 2013–12694 Filed 5–30–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14322–000]

Corbett Water District; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Minor License.

b. *Project No.:* 14322–000.

c. *Date filed:* May 14, 2013.

d. *Applicant:* Corbett Water District.

e. *Name of Project:* Corbett Hydroelectric Project.

f. *Location:* The project would utilize existing diversions from the North and South Forks of Gordon Creek which currently serve a municipal water supply system approximately 15 miles east of Portland, in Multnomah County, Oregon. A portion of the project would be located on federal lands managed by the Bureau of Land Management (BLM).

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* James Jans, Corbett Water District, 36120 E. Historic Columbia River Hwy., P.O. Box 6, Corbett, OR 97019–0006. Phone: (503) 695–2284.

i. *FERC Contact:* Ken Wilcox, (202) 502–6835 or *ken.wilcox@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental

document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* July 15, 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 *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.

m. The application is not ready for environmental analysis at this time.

n. The Corbett Project would consist of the following features: (1) The existing 10-inch-diameter, 2-mile-long buried steel pipeline from the North Fork diversion structure; (2) the existing 10-inch-diameter, 2-mile-long buried ductile iron pipeline from the South Fork diversion structure; (3) a new 10-kilowatt Turgo turbine; (4) a small new building housing the turbine, induction motor generator, and controls constructed atop an existing filter pond influent diversion structure; and (5) appurtenant facilities. The project's power would be used to offset power needs at the water treatment plant. The project is estimated to generate about 8.4 megawatt-hours annually. The project would be located on both private and federal lands.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may 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 to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

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. For assistance, contact FERC Online Support.

p. *Procedural schedule:* The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate (e.g., if scoping is waived, the schedule would be shortened).

Issue Deficiency and/or Additional Information Request—July 2013
Issue Notice of Acceptance—August 2013
Issue Scoping Document—August 2013
Issue Notice of Ready for Environmental Analysis—October 2013
Commission issues EA—February 2013

Dated: May 23, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–12889 Filed 5–30–13; 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: CP13–480–000.
Applicants: Columbia Gas Transmission, LLC, and Columbia Gulf Transmission, LLC.
Description: Columbia Gas Transmission, LLC and Columbia Gulf Transmission, LLC submit Joint Application for Authorization to Lease and Abandon Capacity.
Filed Date: 5/15/13.
Accession Number: 20130515–5099.
Comments Due: 5 p.m. ET 5/31/13.

Docket Numbers: RP13–927–000.
Applicants: Ozark Gas Transmission, L.L.C.
Description: May 2013 Clean-up Filing to be effective 7/1/2013.
Filed Date: 5/24/13.
Accession Number: 20130524–5022.
Comments Due: 5 p.m. ET 6/5/13.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 24, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–12936 Filed 5–30–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14468–000]

Las Vegas Wash Hydro LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On November 16, 2012, Las Vegas Wash Hydro LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Las Vegas Wash Hydroelectric Project (project) to be located on the Las Vegas Wash, in Clark County, Nevada. 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 an existing concrete diversion/inlet structure for the Las Vegas Wash that passes beneath Lake Las Vegas via two 84-inch-diameter penstocks for a distance of 10,208 feet. Las Vegas Wash Hydro LLC proposes to tie into the existing penstocks and construct a new powerhouse. One of the two existing 84-inch diameter penstocks would be

utilized for bypass flows. The powerhouse would be equipped with a single 2.1-megawatt Francis turbine. The project would also consist of a switchyard and 900 feet of proposed 15-kilovolt transmission line that would interconnect into the utility distribution system owned by NV Energy. The project would generate an estimated 16.5 gigawatt-hours annually.

Applicant Contact: Mr. Ted S. Sorenson, P.E., Sorenson Engineering, 5203 S. 11th East, Idaho Falls, Idaho 83404; phone: (208) 522–8069.

FERC Contact: Mary Greene; phone: (202) 502–8865.

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 five 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–14468) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 23, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–12890 Filed 5–30–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9009–4]

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 05/20/2013 Through 05/24/2013 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. 20130138, Draft EIS, USACE, CA, Westbrook Project (SPK–2005–00938), Comment Period Ends: 07/15/2013, Contact: Kathy Norton 916–557–5260

EIS No. 20130139, Second Final Supplement, USFWS, 00, Issuance of Annual Regulations Permitting the Hunting of Migratory Birds, Review Period Ends: 07/01/2013, Contact: Robert Trost 503–231–6162

EIS No. 20130140, Draft EIS, USFS, WY, Sherman Cattle and Horse Allotment Grazing Authorization and Management, Comment Period Ends: 07/15/2013, Contact: Chad Hayward 307–276–5817

EIS No. 20130141, Final EIS, USFS, SC, AP Loblolly Pine Removal and Restoration Project, Review Period Ends: 07/01/2013, Contact: Victor Wyant 864–638–9568

EIS No. 20130142, Draft EIS, HUD, NY, Hallets Point Rezoning, Comment Period Ends: 07/15/2013, Contact: Robert Dobruskin 212–720–3423

EIS No. 20130143, Revised Draft EIS, USAF, UT, United States Air Force F–35A Operational Basing, Beddown at one or more Air Combat Command or Air National Guard Bases, Comment Period Ends: 07/15/2013, Contact: Nicholas Germanos 757–764–5007

EIS No. 20130144, Final EIS, NPS, CO, Grand Ditch Breach Restoration, Review Period Ends: 07/01/2013, Contact: Ben Bobowski 970–586–1350

EIS No. 20130145, Draft EIS, USAF, AK, Proposal to Relocate the 18th Aggressor Squadron from Eielson Air Force Base (EAFB), Alaska to Joint Base Elmendorf-Richardson, Alaska and to Right-Size the Remaining Wing Overhead/Base Operating Support at EAFB, Alaska, Comment Period Ends: 07/30/2013, Contact: Allen Richmond 210–395–8555

EIS No. 20130146, Final EIS, USFS, CA, Whisky Ridge Ecological Restoration Project, Review Period Ends: 07/01/2013, Contact: Dean A. Gould 559–297–0706

EIS No. 20130147, Final EIS, TVA, TN, Dam Safety Modifications at Cherokee, Fort Loudoun, Tellico, and Watts Bar Dams, Review Period Ends: 07/01/2013, Contact: Charles P. Nicholson 865–632–3582

EIS No. 20130148, Draft Supplement, USACE, FL, Jacksonville Harbor Navigation, Comment Period Ends: 07/15/2013, Contact: Samantha Borer 904–232–1066

Amended Notices

EIS No. 20130133, Draft EIS, BLM, CO, Dominguez-Escalante National Conservation Area Draft Resource Management Plan, Comment Period Ends: 08/15/2013, Contact: Samantha Staley 970–244–3188, Revision to FR Notice Published 05/24/2013; Extending Comment Period from 8/15/2013 to 8/22/2013

Dated: May 28, 2013

Cliff Rader

Director, NEPA Compliance Division Office of Federal Activities.

[FR Doc. 2013–12965 Filed 5–30–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9819–2]

Notification of a Public Teleconference of the Great Lakes Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) announces a public teleconference of the Great Lakes Advisory Board (GLAB). The purpose of the teleconference is to continue discussions that will inform the development of a draft Great Lakes Restoration Initiative FY 2015–2019 Action Plan.

DATES: The public teleconference will be held on Wednesday, June 12, 2013 from 9:00 a.m. to 10:30 a.m. The teleconference numbers is: (877) 226–9607; Participant code: 4218582837. Due to budgetary uncertainties, EPA is announcing this teleconference with less than 15 calendar days public notice.

ADDRESSES: The public teleconference will take place by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this teleconference may contact Rita Cestaric, Designated Federal Officer (DFO), GLAB, by telephone at (312) 886–6815 or email at *cestaric.rita@epa.gov.* General information on the Great Lakes Restoration Initiative (GLRI) and the GLAB can be found on the GLRI Web site at *http://www.glri.us.*

SUPPLEMENTARY INFORMATION:

Background: The GLAB is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. EPA established the GLAB in 2013 to provide independent advice to the EPA Administrator in his or her capacity as Chair of the federal Great Lakes Interagency Task Force. The GLAB conducts business in accordance with FACA and related regulations.

The GLAB consists of 18 members appointed by EPA's Administrator. Members serve as representatives of state, local and tribal government, environmental groups, agriculture, business, transportation, foundations, educational institutions and as technical experts.

The GLAB held a teleconference and meeting on May 21–22, 2013 (as noticed in 78 FR 26636–26637) to discuss the development of a draft FY 2015–2019 GLRI Action Plan.

The teleconference will provide opportunity for members of the public to submit oral comments in response to the charge questions for consideration by the GLAB. The charge questions are available at *http://www.glri.us.*

Also, periodic opportunities for the public to provide input for the GLAB to consider will be provided after the June 12 teleconference.

Availability of Teleconference Materials: The agenda and other materials in support of the teleconference will be available on the GLRI Web site at *http://www.glri.us* in advance of the teleconference.

Procedures for Providing Public Input: Federal advisory committees provide independent advice to federal agencies. Members of the public can submit relevant comments for consideration by the GLAB. Input from the public to the GLAB will have the most impact if it provides specific information for the GLAB to consider. Members of the public wishing to provide comments should contact the DFO directly.

Oral Statements: In general, individuals or groups requesting an oral presentation at this public teleconference will be limited to three minutes per speaker, subject to the number of people wanting to comment. Interested parties should contact Rita Cestaric, DFO, in writing (preferably via email) at the contact information noted above by June 10, 2013 to be placed on the list of public speakers for the teleconference.

Written Statements: Written statements must be received by June 10, 2013 so that the information may be made available to the GLAB for consideration. Written statements should be supplied to the DFO in the following formats: One hard copy with original signature and one electronic copy via email. Commenters are requested to provide two versions of each document submitted: one each with and without signatures because only documents without signatures may be published on the GLRI Web page.

Accessibility: For information on access or services for individuals with disabilities, please contact Rita Cestaric at the phone number or email address noted above, preferably at least 10 days prior to the teleconference, to give EPA as much time as possible to process your request.

Dated: May 23, 2013.

Cameron Davis,

Senior Advisor to the Administrator.

[FR Doc. 2013–12962 Filed 5–30–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2013–0369, FRL–9816–9]

Protection of Stratospheric Ozone: Request for Methyl Bromide Critical Use Exemption Applications for 2016

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Solicitation of Applications and Information on Alternatives.

SUMMARY: EPA is soliciting applications for the critical use exemption from the phaseout of methyl bromide for 2016. Critical use exemptions last only one year. All entities interested in obtaining a critical use exemption for 2016 must provide EPA with technical and economic information to support a ''critical use'' claim and must do so by the deadline specified in this notice even if they have applied for an exemption in previous years. Today's notice also invites interested parties to provide EPA with new data on the technical and economic feasibility of methyl bromide alternatives.

DATES: Applications for the 2016 critical use exemption must be submitted on or before August 29, 2013.

ADDRESSES: EPA encourages users to submit their applications electronically to Jeremy Arling, Stratospheric Protection Division, at *arling.jeremy@epa.gov.* If the application is submitted electronically, applicants must fax a signed copy of Worksheet 1 to 202–343–2338 by the application deadline. Applications for the methyl bromide critical use exemption can also be submitted by U.S. mail to: U.S. Environmental Protection Agency, Office of Air and Radiation, Stratospheric Protection Division, Attention Methyl Bromide Team, Mail Code 6205J, 1200 Pennsylvania Ave. NW., Washington, DC 20460 or by courier delivery to: U.S. Environmental Protection Agency, Office of Air and Radiation, Stratospheric Protection Division, Attention Methyl Bromide Review Team, 1310 L St. NW., Room 1047E, Washington DC 20005.

FOR FURTHER INFORMATION CONTACT: *General Information:* U.S. EPA Stratospheric Ozone Information Hotline, 1–800–296–1996; also *http://www.epa.gov/ozone/mbr.*

Technical Information: Bill Chism, U.S. Environmental Protection Agency, Office of Pesticide Programs (7503P), 1200 Pennsylvania Ave. NW., Washington, DC 20460, 703–308–8136. Email: *chism.bill@epa.gov.*

Regulatory Information: Jeremy Arling, U.S. Environmental Protection Agency, Stratospheric Protection Division (6205J), 1200 Pennsylvania Ave. NW., Washington, DC 20460, 202–343–9055. Email: *arling.jeremy@epa.gov.*

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I. What do I need to know to respond to this request for applications?

A. Who can respond to this request for information?

Entities interested in obtaining a critical use exemption must complete the application form available at *http://www.epa.gov/ozone/mbr/cueinfo.html*. The application may be submitted by a consortium representing multiple users who have similar circumstances or by individual users. EPA encourages groups of users with similar circumstances to submit a single application.

While anyone interested in obtaining a critical use exemption may apply, EPA notes that in January, 2013, the United States government submitted its nomination for critical use exemption during 2015, and that nomination included only three uses (strawberries, fresh dates and dry cured ham). Since information about alternatives, economic impacts, and other factors relevant to the critical use criteria change from year to year, applicants must provide all of the necessary technical and economic information, whether or not a use has been nominated for a critical use exemption in the past.

In addition to requesting information from applicants for the critical use exemption, this solicitation for information provides an opportunity for any interested party to provide EPA with information on methyl bromide alternatives (e.g., technical or economic feasibility research).

B. How do I obtain an application form for the methyl bromide critical use exemption?

Application forms for the methyl bromide critical use exemption can be obtained in PDF, Microsoft Word, and Microsoft Excel formats at EPA's Web site *http://www.epa.gov/ozone/mbr/cueinfo.html* or at Docket ID No. EPA–HQ–OAR–2013–0369 at *http://www.regulations.gov*.

C. What must applicants address when applying for a critical use exemption?

To support the assertion that a specific use of methyl bromide meets the requirements of the critical use exemption, applicants must demonstrate that there are no technically and economically feasible alternatives available for that use. EPA's Web site contains a list of available and potential alternatives at *http://www.epa.gov/ozone/mbr/alts.html*. Applicants must show that they are taking steps to minimize their critical use of methyl bromide and any associated emissions. In addition, applicants must describe research plans which includes the pest(s), chemical(s), or management practice(s) they will be testing to support their transition from methyl bromide.

Below, EPA is providing information on how it evaluated specific uses in considering nominations for critical uses for 2015, as well as specific information needed for the U.S. to successfully defend its nominations for critical uses.

Commodities Such as Dried Fruit and Nuts

Data reviewed by EPA as part of the 2015 nomination process indicate that sulfuryl fluoride is effective against key pests. The industry has mostly converted to sulfuryl fluoride and no market disruption has occurred. For this sector, rapid fumigation is not a critical condition. Therefore, products can be treated with sulfuryl fluoride or phosphine and be held for relatively long periods of time without a significant economic impact. To support a nomination, applicants must address potential economic losses due to pest pressures, changes in quality, changes in timing, and any other economic implications for producers when converting to alternatives. Alternatives for which such information is needed are: Sulfuryl fluoride, propylene oxide (PPO), phosphine, and controlled atmosphere/temperature treatment system. Applicants should include the costs to retrofit equipment or design and construct new fumigation chambers for these alternatives. For the economic assessment applicants must provide: The amount of fumigant gas used (both methyl bromide and alternatives, which may include heat), price per pound of the fumigant gas from the most recent use season, application rates, differences in time required for fumigation, differences in labor inputs (i.e., hours and wages) associated with alternatives, the amount of commodity treated with each fumigant/treatment and the value of the commodity being treated/produced. Also provide information on changes in costs for any other practices or equipment used (e.g. sanitation and IPM) that are not needed when methyl bromide is used for fumigation. Include information on the size of fumigation chambers where methyl bromide is used, the percent of commodity fumigated under tarps, the length of the harvest season, peak of the harvest season and duration, and volume of commodity treated daily at the harvest peak.

Where applicable, also provide examples of specific customer requests regarding pest infestation and examples of any phytosanitary requirements of foreign markets (e.g., import requirements of other countries) that may necessitate use of methyl bromide accompanied by explanation of why the methyl bromide quarantine and preshipment (QPS) exemption is not applicable for this purpose. Also include information on what pest control practices organic producers are using for their commodity.

Structures and Facilities (flour mills, rice mills, pet food)

Published data reviewed by EPA during the 2015 nomination process did not show a statistically significant difference in control effectiveness between methyl bromide and sulfuryl fluoride or heat treatments. The cost of alternatives is also generally less than cost of methyl bromide except for heat alone. To support a nomination, applicants must address potential economic losses due to pest pressures, changes in quality, changes in timing, and any other economic implications for producers when converting to alternatives. Alternatives for which such information is needed are: Sulfuryl fluoride, micro-sanitation, and heat. Applicants should include the costs to retrofit equipment for these pest control methods. For the economic assessment applicants must provide the following: Price per pound of fumigant gas used (both methyl bromide and alternatives) from the most recent use season, application rates, differences in time required for fumigation, differences in labor inputs (i.e., hours and wages) associated with alternatives, and value of the commodity being treated/produced. List how many mills have been fumigated with methyl bromide over the last three years; the rate, volume, and target CT of methyl bromide at each location; volume of each facility; number of fumigations per year; and date the facility was constructed.

Where applicable, also provide examples of specific customer requests regarding pest infestation and examples of any phytosanitary requirements of foreign markets (e.g., import requirements of other countries) that may necessitate use of methyl bromide accompanied by explanation of why the QPS exemption is not applicable for this purpose. Also include information on what pest control practices organic producers are using for their facilities.

Dried Cured Pork

Applicants must list how many facilities have been fumigated with methyl bromide over the last three

years; the rate, volume, and target CT of methyl bromide at each location; volume of each facility; number of fumigations per year; and the materials from which the facility was constructed. It is also important for this sector to specify research plans into alternatives and alternative practices to support the transition from methyl bromide.

Cucurbits, Eggplant, Pepper, and Tomato

In reviewing data for the 2015 CUE nomination, EPA found that although no single alternative is effective for all pest problems, a review of multiple year data indicates that the alternatives in various combinations provide control equal or superior to methyl bromide plus chloropicrin. Several research studies show that the three way mixture of 1,3-dichloropene plus chloropicrin plus metam sodium can effectively suppress pathogens (*P. capsici, F. oxysporum*) and nematodes. To support a nomination, applicants must address potential changes to yield, quality, and timing when converting to alternatives, including: The mixture of 1,3-dichloropropene plus chloropicrin, the University of Georgia three way mixture of 1,3-dichloropropene plus chloropicrin plus metam (sodium or potassium), dimethyl disulfide (DMDS), and any fumigationless system (if data are available). Applications must address regulatory and economic implications for growers and your region's production of these crops using these alternatives, including the costs to retrofit equipment and the differential impact of buffers for methyl bromide plus chloropicrin compared to the alternatives. For the economic assessment applicants must provide the following: Price per pound of fumigant gas used (both methyl bromide and alternatives) from the most recent use season; application rates; value of the crop being produced; differences in labor inputs (i.e., hours and wages); and any differences in equipment costs or time needed to operate equipment associated with alternatives.

Strawberry Fruit

Based on EPA's review of information as part of the 2015 nomination process, EPA believes there will continue to be a reduced critical need for methyl bromide in the near future as advances are made (1) In safely applying 100% chloropicrin, (2) in strategies to improve efficacy in applying 1,3-dichloropropene, and (3) in transitioning from experimental to commercial use of non-chemical tools, such as steam, anaerobic soil disinfestations, and substrate production. To support a nomination, applicants must address potential changes to yield, quality, and timing when converting to alternatives, including: the mixture of 1,3-dichloropropene plus chloropicrin, the University of Georgia three way mixture of 1,3-dichloropropene plus chloropicrin plus metam (sodium or potassium), or dimethyl disulfide (DMDS) in states other than California, and any fumigationless system (if data are available). Applications must address regulatory and economic implications for growers and your region's production of these crops using these alternatives, including the costs to retrofit equipment and the differential impact of buffers for methyl bromide plus chloropicrin compared to the alternatives. For the economic assessment applicants must provide the following: price per pound of fumigant gas used (both methyl bromide and alternatives) from the most recent use season; application rates; value of the crop being produced; differences in labor inputs (i.e., hours and wages); and any differences in equipment costs or time needed to operate equipment associated with alternatives.

Orchard Replant

EPA's review of data in the 2015 nomination process indicated that while no single alternative is effective for all pest problems, numerous field trials indicate alternatives to methyl bromide are effective. Therefore, EPA concluded that transitioning to the alternatives was feasible without substantial losses. Registered alternatives are available for individual-hole treatments and soil preparation procedures are available to enable effective treatment with alternatives even in soils with high moisture content. To support a nomination, applicants must address potential changes to yield, quality, and timing when converting to alternatives, including: the mixture of 1,3-dichloropropene plus chloropicrin, the University of Georgia three way mixture of 1,3-dichloropropene plus chloropicrin plus metam (sodium or potassium), dimethyl disulfide (DMDS), and steam. Applications must address regulatory and economic implications for growers and your region's production of these crops using these alternatives, including the costs to retrofit equipment and the differential impact of buffers for methyl bromide plus chloropicrin compared to the alternatives. For the economic assessment applicants must provide the following: price per pound of fumigant gas used (both methyl bromide and alternatives) from the most recent use season; application rates; value of the crop being produced; differences in labor inputs (i.e., hours and wages); and any differences in equipment costs or time needed to operate equipment associated with alternatives.

Ornamentals

In considering nominations for 2015, EPA found that while no single alternative is effective for all pest problems, a review of multiple year data indicates that the alternatives in various combinations provide control equal or superior to methyl bromide plus chloropicrin. Research demonstrates that 1,3-dichloropene plus chloropicrin, the three way mixture of 1,3-dichloropene plus chloropicrin plus metam sodium, and dimethyl disulfide plus chloropicrin all show excellent results. To support a nomination, applicants must address potential changes to yield, quality, and timing when converting to alternatives, including: the mixture of 1,3-dichloropropene plus chloropicrin, the University of Georgia three way mixture of 1,3-dichloropropene plus chloropicrin plus metam (sodium or potassium), dimethyl disulfide (DMDS), and steam. Applications must address regulatory and economic implications for growers and your region's production of these crops using these alternatives, including the costs to retrofit equipment and the differential impact of buffers for methyl bromide plus chloropicrin compared to the alternatives. For the economic assessment applicants must provide the following: price per pound of fumigant gas used (both methyl bromide and alternatives) from the most recent use season; application rates; value of the crop being produced; differences in labor inputs (i.e., hours and wages); and any differences in equipment costs or time needed to operate equipment associated with alternatives.

Nurseries

In considering this sector in the 2015 nomination process, EPA noted that a Special Local Need label allows Telone II to be used in accordance with certification standards for propagative material.[1] To support a nomination, applicants must address potential changes to yield, quality, and timing when converting to alternatives, including: the mixture of 1,3-dichloropropene plus chloropicrin, the University of Georgia three way mixture

[1] EPA also noted that growers can use a combination of methyl bromide for quarantine situations and 1,3-D plus chloropicrin for non-quarantine situations to meet certification requirements.

of 1,3-dichloropropene plus chloropicrin plus metam (sodium or potassium), dimethyl disulfide (DMDS), and steam. Applications must address regulatory and economic implications for growers and your region's production of these crops using these alternatives, including the costs to retrofit equipment and the differential impact of buffers for methyl bromide plus chloropicrin compared to the alternatives. For the economic assessment applicants must provide the following: price per pound of fumigant gas used (both methyl bromide and alternatives) from the most recent use season; application rates; value of the crop being produced; differences in labor inputs (i.e., hours and wages); and any differences in equipment costs or time needed to operate equipment associated with alternatives.

Golf Courses

To date, EPA has not found that a significant market disruption would occur in the golf industry in the absence of methyl bromide. To support a nomination, applicants must address potential changes to yield, quality, and timing when converting to alternatives, including: Basamid, chloropicrin, 1,3-dichloropene, 1,3-dichloropene plus chloropicrin, metam sodium, and steam. Applications must address regulatory and economic implications for growers using these alternatives, including the costs to retrofit equipment and the differential impact of buffers for methyl bromide plus chloropicrin compared to the alternatives. For the economic assessment applicants must provide the following: price per pound of fumigant gas used (both methyl bromide and alternatives) from the most recent use season; application rates; economic impact for the golf course from a transition to alternatives (e.g. downtime when resurfacing); differences in labor inputs (i.e., hours and wages); and any differences in equipment costs or time needed to operate equipment associated with alternatives. Supporting evidence might be included that would demonstrate that alternatives lead to more frequent resurfacing and therefore, greater adverse economic impacts.

D. What if I applied for a critical use exemption in a previous year?

Critical use exemptions are valid for only one year and do not automatically renew. All users desiring to obtain an exemption for 2016 must apply to EPA even if they have applied for critical uses in prior years. Because of the latest changes in registrations, costs, and economic aspects for producing critical use crops and commodities, applicants must fill out the application form completely.

E. What portions of the applications will be considered confidential business information?

You may assert a business confidentiality claim covering part or all of the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as ''trade secret,'' ''proprietary,'' or ''company confidential.'' You should clearly identify the allegedly confidential portions of otherwise non-confidential documents, and you may submit them separately to facilitate identification and handling by EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, your notice should state that. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth under 40 CFR part 2 subpart B; 41 FR 36752, 43 FR 40000, 50 FR 51661. If no claim of confidentiality accompanies the information when EPA receives it, EPA may make it available to the public without further notice.

Do not include on the ''Worksheet 6: Application Summary'' page of the application any information that you wish to claim as confidential business information. Any information on Worksheet 6 shall not be considered confidential and will not be treated as such by the Agency. EPA will place a copy of Worksheet 6 in the public domain. Please note, claiming business confidentiality may delay EPA's ability to review your application.

II. What is the legal authority for the critical use exemption?

A. What is the Clean Air Act (CAA) authority for the critical use exemption?

In October 1998, Congress amended the Clean Air Act to require EPA to conform the U.S. phaseout schedule for methyl bromide to the provisions of the *Montreal Protocol on Substances that Deplete the Ozone Layer* for industrialized countries and to allow EPA to provide a critical use exemption. These amendments were codified in Section 604 of the Clean Air Act, 42 U.S.C. 7671c. Under EPA implementing regulations, the production and consumption of methyl bromide was phased out as of January 1, 2005. Section 604(d)(6), as added in 1998, allows EPA to exempt the production and import of methyl bromide from the phaseout for critical uses, to the extent consistent with the Montreal Protocol. EPA has defined ''critical use'' at 40 CFR 82.3.

EPA regulations at 40 CFR 82.4 prohibit the production and import of methyl bromide in excess of the amount of unexpended critical use allowances held by the producer or importer, unless authorized under a separate exemption. Methyl bromide produced or imported by expending critical use allowances may be used only for the appropriate category of approved critical uses as listed in Appendix L to the regulations (40 CFR 82.4(p)(2)). The use of methyl bromide that was produced or imported through the expenditure of production or consumption allowances prior to 2005, while not confined to critical uses under EPA's phaseout regulations, are subject to the labeling restrictions under FIFRA.

B. What is the Montreal Protocol authority for the critical use exemption?

The Montreal Protocol provides that the Parties may exempt ''the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses'' (Art. 2H para 5). The Parties to the Protocol included this language in the treaty's methyl bromide phaseout provisions in recognition that alternatives might not be available by 2005 for certain uses of methyl bromide agreed by the Parties to be ''critical uses.''

In their Ninth Meeting (1997), the Parties to the Protocol agreed to Decision IX/6, setting forth the following criteria for a ''critical use'' determination and an exemption from the production and consumption phaseout:

(a) That a use of methyl bromide should qualify as ''critical'' only if the nominating Party determines that:

(i) The specific use is critical because the lack of availability of methyl bromide for that use would result in a significant market disruption; and

(ii) There are no technically and economically feasible alternatives or substitutes available to the user that are acceptable from the standpoint of environment and health and are suitable to the crops and circumstances of the nomination.

(b) That production and consumption, if any, of methyl bromide for a critical use should be permitted only if:

(i) All technically and economically feasible steps have been taken to minimize the critical use and any associated emission of methyl bromide;

(ii) Methyl bromide is not available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide, also bearing in mind the developing countries' need for methyl bromide;

(iii) It is demonstrated that an appropriate effort is being made to evaluate, commercialize, and secure national regulatory approval of alternatives and substitutes, taking into consideration the circumstances of the particular nomination . . . Non-Article 5 Parties [e.g., developed countries, including the U.S.] must demonstrate that research programs are in place to develop and deploy alternatives and substitutes. . . .

The term ''significant market disruption'' is left to the discretion of each Party to the Protocol to interpret. EPA's interpretation of this term has several dimensions, including looking at potential effects on both demand and supply for a commodity, evaluating potential losses at both an individual level and at an aggregate level, and evaluating potential losses in both relative and absolute terms. EPA refers readers to the preamble for the 2006 CUE rule (71 FR 5989) as well as to the memo in the docket titled ''Development of 2003 Nomination for a Critical Use Exemption for Methyl Bromide for the United States of America'' for further elaboration.

C. What is the timing for applications for the 2015 control period?

There is both a domestic and international component to the critical use exemption process. The projected timeline for the process for the 2016 critical use exemption is below. A more detailed schedule is on EPA's Web site at *http://www.epa.gov/ozone/mbr/cueinfo.html.*

May 31, 2013: Solicit applications for the methyl bromide critical use exemption for 2016.

August 29, 2013: Deadline for submitting critical use exemption applications to EPA.

Fall 2013: U.S. Government (EPA, Department of State, U.S. Department of Agriculture, and other interested Federal agencies) prepares U.S. Critical Use Nomination package.

January 24, 2014: Deadline for U.S. Government to submit U.S. nomination package to the Protocol Parties.

Early 2014: Technical and Economic Assessment Panel (TEAP) and Methyl Bromide Technical Options Committee (MBTOC) review the nominations for critical use exemptions.

Mid 2014: Parties consider TEAP/MBTOC recommendations.

November 2014: Parties decide whether to authorize critical use exemptions for methyl bromide for production and consumption in 2016.

Mid 2015: EPA publishes proposed rule for allocating critical use exemptions in the U.S. for 2016.

Late 2015: EPA publishes final rule allocating critical use exemptions in the U.S. for 2016.

January 1, 2016: Critical use exemption permits the limited production and import of methyl bromide for specified uses for the 2016 control period.

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Dated: May 16, 2013.

Sarah Dunham,

Director, Office of Atmospheric Programs.

[FR Doc. 2013–12968 Filed 5–30–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, June 4, 2013, to consider the following matters:

SUMMARY AGENDA: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' Meetings.

Memorandum and resolution re: Proposed Revisions to the Authority of the Case Review Committee.

Memorandum and resolution re: Delegation of Authority from the FDIC Board of Directors Regarding Order of Succession During Emergency Situations.

Summary reports, status reports, reports of the Office of Inspector General, and reports of actions taken pursuant to authority delegated by the Board of Directors.

DISCUSSION AGENDA: Memorandum and resolution re: Final Rule—Definition of ''Predominantly Engaged in Activities that are Financial in Nature or Incidental Thereto'' § 201(b).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

This Board meeting will be Webcast live via the Internet and subsequently made available on-demand approximately one week after the event. Visit *http://www.vodium.com/goto/fdic/boardmeetings.asp* to view the event. If you need any technical assistance, please visit our Video Help page at: *http://www.fdic.gov/video.html.*

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call 703–562–2404 (Voice) or 703–649–4354 (Video Phone) to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at 202–898–7043.

Dated: May 28, 2013.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2013–13009 Filed 5–29–13; 11:15 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

The Commission gives notice that the following applicants have filed an application for an Ocean Transportation Intermediary (OTI) license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF) pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101). Notice is also given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a licensee.

Interested persons may contact the Office of Ocean Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523–5843 or by email at *OTI@fmc.gov.*

A&A Contract Customs Brokers, USA, Inc., A&A International Freight Forwarding (NVO & OFF), #2 12th Street, Blaine, WA 98230, Officers: Michelle R. Russell, Vice President (QI), Graham S. Robins, President, Application Type: QI Change

Abaco Logistics Corporation (OFF), 8051 NW 67th Street, Miami, FL 33166, Officers: Manuel T. Soto, Vice President (QI), Jhon J. Silva Villa, President, Application Type: New OFF License

All International Solutions Inc. (NVO), 281 E. Redondo Beach Blvd., Gardena, CA 90248, Officer: Alexis F. Robin, President (QI), Application Type: New NVO License

Atlas Latin Cargo LLC (NVO & OFF), 5065 NW. 74th Avenue, Suite 7, Miami, FL 33166, Officers: Guillermo S. Carbi H, Manager (QI), Gil De Freites, Manager Member,

Application Type: New NVO & OFF License

C & C Group, Inc. (NVO & OFF), 1345 NW 98th Court, Suite 4, Doral, FL 33172, Officers: Claudia E. Quintero, Secretary (QI), Ana K. Carranza, President, Application Type: Transfer to Oceanair Masters Inc.

Cargo Modules LLC (NVO & OFF), 28123 Ella Road, Rancho Palos Verdes, CA 90275, Officers: Werner Staub, Member (QI), Maurin M. Semsch, Member, Application Type: New NVO & OFF License

Caribbean Logistic Solutions, Inc (NVO & OFF), 11200 NW 25th Street, Suite #101, Miami, FL 33172, Officer: Wanda Morel, President (QI), Application Type: New NVO & Off License

Intransia LLC (NVO), 168 Madison Avenue, Suite 600, New York, NY 10016, Officers: Mehmet O. Elbir, Member (QI), Nurettin Babus, Member, Application Type: QI Change

Mach 1 Air Services Incorporated dba Mach 1 Ocean Services (NVO & OFF), 1530 West Broadway Road, Tempe, AZ 85282, Officers: Marva Washburn, Vice President (QI), Eric Bond, President, Application Type: Add Trade Name Mach 1 Global Services and QI Change

Monarch Group International LLC (OFF), 283D Kinderkamack Road, River Edge, NJ 07661, Officer: Suleyman B. Gungor, Member (QI), Application Type: New OFF License

Pacific Shipping Corp. (NVO), 5900 S. Eastern Avenue, Suite 140, Commerce, CA 90040, Officer: Qin Cai, President (QI), Application Type: Name Change to U.S. Pacific Shipping Corp.

Prime Log Solutions Corp (NVO & OFF), 1335 NW 98th Court, Unit 7, Doral, FL 33172, Officers: Gracia A. Salviatti, Secretary (QI), Fabio Moblicci, President, Application Type: New NVO & OFF License

Star Cluster Logistics (NVO & OFF), 4 Executive Circle, Suite 170, Irvine, CA 92614, Officers: James J. Park, Vice President (QI), Hee Kab Park, CEO, Application Type: New NVO & OFF License

Straight Forwarding, Inc. (NVO & OFF), 20974 Currier Road, City of Industry, CA 91789, Officer: Yi-Hsiang (Eric) Wu, President (QI), Application Type: Add OFF Service

Trans Atlantic Shipping of Connecticut, Inc. (NVO), 34 Nelson Street, East Hartford, CT 06108, Officers: Robert Boateng, President (QI), Djan Boateng, Director, Application Type: New NVO License

Transit Air Cargo, Inc. (NVO & OFF), 2204 East 4th Street, Santa Ana, CA 92705, Officers: Jeaneal Rooker, Vice President (QI), Gul Khodayar, President, Application Type: QI Change

Windward Logistics, LLC (NVO & OFF), 6750 NW. 79th Avenue, Miami, FL 33166, Officers: Jorge A. Oria, Managing Member (QI), David Harding, Member, Application Type: New NVO & OFF License

By the Commission.

Dated: May 24, 2013.

Karen V. Gregory,

Secretary.

[FR Doc. 2013–12884 Filed 5–30–13; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The FTC seeks public comments on its proposal to the Office of Management and Budget (''OMB'') to extend through June 30, 2016, the current Paperwork Reduction Act (''PRA'') clearance for the FTC's enforcement of the information collection requirements in its regulation ''Duties of Furnishers of Information to Consumer Reporting Agencies'' (''Information Furnishers Rule''), which applies to certain motor vehicle dealers, and its shared enforcement with the Consumer Financial Protection Bureau (''CFPB'') of the furnisher provisions (subpart E) of the CFPB's Regulation V regarding other entities. That clearance expires on June 30, 2013.

DATES: Comments must be filed by July 1, 2013.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Information Furnishers Rule, PRA Comment, P135407,'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/infofurnishersrulepra2* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Monique Einhorn, Attorney, Division of Privacy and Identity Protection, Bureau of Consumer Protection, (202) 326–2575, 600 Pennsylvania Ave. NW., Room NJ–8100, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On March 14, 2013, the Commission sought comment on the information collection requirements associated with the Information Furnishers Rule and the Commission's shared enforcement with the CFPB of the furnisher provisions in subpart E of the CFPB's Regulation V. 78 FR 16265 (March 14, 2013). No comments were received. Pursuant to the OMB regulations, 5 CFR Part 1320, that implement the PRA, 44 U.S.C. 3501 et seq., the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for those information collection requirements. For more details about the Rule requirements, the background behind these information collection provisions, and the basis for the calculations summarized below, see 78 FR 16265. The burden figures below reflect solely the FTC's estimates assigned to itself, including a portion reflective of its sole enforcement authority for certain motor vehicle dealers subject to the FTC rule.[1]

Title: Duties of Furnishers of Information to Consumer Reporting Agencies.

OMB Control Number: 3084–0144.

Type of Review: Extension of currently approved collection.

Estimated Annual Burden:

Section 660.3 of FTC Rule/Section 1022.42 of CFPB Rule: 7,972 hours and $397,883[2] in associated labor costs.

Section 660.4 of FTC Rule/Section 1022.43 of CFPB Rule: 2,635 hours and $55,414[3] in associated labor costs.

[1] The FTC retains rulemaking authority for its Information Furnishers Rule solely for motor vehicle dealers described in section 1029(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203, 124 Stat. 1376 (2010)) that are predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.

[2] This is an increase from the labor cost estimate in the March 14, 2013 **Federal Register** Notice, attributable to an intervening annual release from the Bureau of Labor Statistics. Within it, the mean hourly wage for ''Training and development managers'' rose from the previously shown amount of $47.73 to $49.91. *See http://www.bls.gov/news.release/pdf/ocwage.pdf* ''Occupational Employment and Wages–May 2012,'' Bureau of Labor Statistics, U.S. Department of Labor, released March 2013, Table 1 (''National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2011'') (hereinafter, ''BLS Table 1'').

[3] This, too, is an increase from the labor cost estimate in the March 14, 2013 **Federal Register** Notice, attributable to an averaging of updated

Continued

Thus, total estimated burden under the above-noted regulatory sections is 10,607 hours and $453,297 in associated labor costs. Commission staff believes that the Information Furnishers Rule and subpart E of Regulation V impose negligible capital or other non-labor costs, as the affected entities are already likely to have the necessary supplies and/or equipment (e.g., offices and computers) for the associated information collection provisions.

Request for Comment: You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before July 1, 2013. Write ''Information Furnishers Rule, PRA Comment, P135407'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential'' as provided in Section 6(f) of the FTC Act 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c).[4] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/infofurnishersrulepra2,* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home*, you also may file a comment through that Web site.

If you file your comment on paper, write ''Information Furnishers Rule, PRA Comment, P135407'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *www.ftc.gov* to read this Notice. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before July 1, 2013. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Comments on the disclosure requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5167.

David C. Shonka,

Acting General Counsel.

[FR Doc. 2013–12931 Filed 5–30–13; 8:45 am]

BILLING CODE 6750–01–P

Bureau of Labor Statistics mean hourly wages for potentially analogous employee types: First-line supervisors of office and administrative support workers ($25.40); accounting and auditing clerks ($17.62); brokerage clerks ($21.34); eligibility interviewers, government programs ($19.74). *See* BLS Table 1. This averages out to $21.03 per hour, rounded.

[4] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collections Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''Evaluation of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) Quality Demonstration Grant Program: Survey Data Collection.'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by July 30, 2013.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.leflcowitz@AHRO.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Evaluation of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) Quality Demonstration Grant Program: Survey Data Collection.

The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law 111–3, included funding for five-year grants so that States could experiment with and evaluate several promising ideas related to improving the quality of children's

health care in Medicaid and CHIP. In February 2010, the Centers for Medicare & Medicaid Services (CMS) announced the award of 10 demonstration grants to States that convincingly articulated an achievable vision of what they could accomplish by the end of the five-year grant period, described strategies they would use to achieve the objectives, and explained how the strategies would achieve the objectives. Applicants were encouraged by CMS to address multiple grant categories (described below) and to partner with other States in designing and implementing their projects.

Of the 10 grantee States selected, six are partnering with other States, for a total of 18 demonstration States. The demonstration States are: Colorado (partnering with New Mexico); Florida (with Illinois); Maine (with Vermont); Maryland (with Wyoming and Georgia); Massachusetts; North Carolina; Oregon (with Alaska and West Virginia); Pennsylvania; South Carolina; and Utah (with Idaho).

These demonstration States are implementing 51 distinct projects in at least one of five possible grant categories, A to E. Category A grantees are experimenting with and/or evaluating the use of pediatric quality measures, including those in the initial core set of children's health care quality measures (a group of measures developed for state Medicaid and CHIP agencies to report in a standardized fashion to CMS). Category B grantees are promoting health information technologies for improved care delivery and patient outcomes. Category C grantees are implementing person-centered medical homes or other provider-based levels of service delivery. Category D grantees will evaluate the impact of a model pediatric electronic health record. Category E grantees are testing other State-designed approaches to quality improvement in Medicaid and CHIP.

AHRQ's goal in supporting an evaluation of the CHIPRA Quality Demonstration Grant Program is to provide insight into how best to implement quality improvement programs as well as information on how successful programs can be replicated to improve children's health care quality in Medicaid and CHIP. The specific goals of this project are as follows:

1. Identify CHIPRA State activities that measurably improve the nation's health care, especially as it pertains to children.

2. Develop a deep, systematic understanding of how CHIPRA demonstration States carried out their grant-funded projects.

3. Understand why the CHIPRA demonstration States pursued certain strategies.

4. Understand whether and how the CHIPRA demonstration States' efforts affected outcomes related to knowledge and behavior change in targeted providers and/or consumers of health care.

This study is being conducted by AHRQ through its contractor, Mathematica Policy Research Inc., and their subcontractors, the Urban Institute and AcademyHealth, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To meet these goals AHRQ has designed a comprehensive evaluation that will make the best use of qualitative and quantitative research methods. The evaluation will include a survey of pediatricians and family physicians. This survey will include a random sample of physicians in Massachusetts, North Carolina, Ohio, and Pennsylvania. The questionnaire includes questions that support an analysis of (1) physician attitudes towards specific strategies and resources aimed at improving the quality of care provided to pediatric patients; (2) the extent to which physicians' practices have attempted to implement changes in order to improve the quality of care provided to pediatric patients; (3) physician attitudes towards the utility of receiving performance feedback on nine of measures in the core quality measure set that are most relevant to primary care; (4) perceived usefulness of quality-of-care reports received by physician practices; (5) current practices and attitudes towards pay-for-performance financial incentive systems based on quality measure outcomes; (6) physicians' uses of and attitudes towards electronic health records (EHR) in quality measurement and improvement; (7) current and expected medical home accreditation processes; and (8) physician and practice demographic information. These data will be analyzed in conjunction with CMS claims data to gain insight on physician perspectives on quality measures and quality reporting and foster understanding of the strategies and resources that seemed to contribute most (or least) to those outcomes.

A separate information collection request will be submitted for interviews and focus groups that are part of this evaluation. Administrative and survey data will be analyzed with descriptive and inferential techniques appropriate to answering questions about outcomes and impacts.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this evaluation. The survey will be completed by 1,200 pediatricians and family physicians working in primary care settings in four States (300 per State) and takes 30 minutes to complete. The total burden is estimated to be 600 hours.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Pediatrician and Family Physician Survey	1,200	1	30/60	600
Total	1,200	n/a	n/a	600

Exhibit 2 shows the estimated annualized cost burden associated with the respondents' time to participate in this evaluation. The total cost burden is estimated to be $51,156.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Pediatrician and Family Physician Survey	1,200	600	$85.26	$51,156
Total	1,200	600	n/a	51,156

* Based upon the higher of the two means of the hourly wages general pediatricians, National Compensation Survey: ''May 2011 National Occupational Employment and Wage Estimates, United States.'' U.S. Department of Labor, Bureau of Labor Statistics.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: May 21, 2013.

Carolyn M. Clancy,

Director.

[FR Doc. 2013–12672 Filed 5–30–13; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Privacy Act of 1974; System of Records Notice

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice to establish a new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974 (5 USC 552a), the Agency for Healthcare Research and Quality (AHRQ) within the Department of Health and Human Services is establishing a new system of records, ''Online Application Ordering for Products from the Healthcare Cost and Utilization Project (HCUP).'' This online electronic ordering system will streamline and facilitate the dissemination of HCUP databases and software to qualified researchers and result in a more efficient process for both the public and the Agency. The HCUP program and the system of records for the online application ordering process are more thoroughly described in the **SUPPLEMENTARY INFORMATION** section and System of Records Notice (SORN), below.

DATES: Effective 30 days after publication. HHS/AHRQ may publish an amended System of Records Notice (SORN) in light of any comments received.

ADDRESSES: Written comments should be sent to: HCUP Project Officer, Agency for Healthcare Research and Quality, 540 Gaither Rd., Rockville, MD 20852 OR to Email: *HCUP@AHRQ.GOV*.

FOR FURTHER INFORMATION CONTACT: HCUP Project Officer, Agency for Healthcare Research and Quality, 540 Gaither Rd., Rockville, MD 20852, 301–427–1410, or *HCUP@AHRQ.GOV*,

SUPPLEMENTARY INFORMATION:

I. Background on New System of Records, ''Online Application Ordering for HCUP Products From the Healthcare Cost and Utilization Project (HCUP)''

AHRQ is establishing this new system of records to cover personally-identifiable information (PII) about individuals who purchase HCUP databases and software products for scientific research purposes through a new online ordering system. AHRQ's research mission, the HCUP databases, and the online ordering process for HCUP databases and software products are explained in more detail below.

A. AHRQ's Research Mission

The Healthcare Research and Quality Act of 1999 (''the Act''), Public Law 106–129, amended Title IX of the Public Health Service act to establish AHRQ. The Act requires that AHRQ enhance the quality, appropriateness, and effectiveness of health services, and enhance access to such services, through the establishment of a broad base of scientific research and through the promotion of improvements in clinical and health systems practices, including the prevention of diseases and other health conditions. AHRQ promotes health care quality improvement by conducting and supporting:

(1) Research that develops and presents scientific evidence regarding all aspects of health care;

(2) Synthesis and dissemination of available scientific evidence for use by patients, consumers, practitioners, providers, purchasers, policy makers, and educato; and,

(3) Initiatives to advance private and public efforts to improve health care quality.

B. The HCUP Databases

AHRQ created a family of health care databases and related software tools and products known as the Healthcare Cost and Utilization Project (HCUP, pronounced ''H-Cup'') to conduct and support its research activities. HCUP was developed through a Federal-State Industry partnership and sponsored by AHRQ; it includes the largest collection of longitudinal hospital care data in the United States, with all-payer, encounter-level information beginning in 1988. The HCUP databases are annual files that contain anonymous information from hospital discharge records for inpatient care and certain components of outpatient care, such as emergency care and ambulatory surgeries. The project currently releases six types of databases created for research use on a broad range of health issues, including cost and quality of health services, medical practice patterns, access to health care programs, and outcomes of treatments at the national, state, and local market levels. HCUP also produces a large number of software tools to enhance the use of administrative health care data for research and public health use. The software tools use information available from a variety of sources to create new data elements, often through sophisticated algorithms, for use with the HCUP databases.

C. The Ordering Process for HCUP Databases and Software

To support AHRQ's mission to improve health care through scientific research, HCUP databases and software tools are disseminated to users outside of HHS through a mechanism known as the HCUP Central Distributor, which is operated by a private contractor. Databases and software disseminated through the HCUP Central Distributor are referred to as ''restricted access public release files;'' they are publicly available, but only under restricted conditions. The HCUP Central Distributor enables qualified researchers to access uniform research data across multiple states with the use of one application process, consisting of the following:

(1) HCUP Application. All persons wanting access to the HCUP databases must complete the application process. For state databases, a description of the individual's planned use of the HCUP data will be reviewed to confirm that it is consistent with the data use restrictions that apply to the data. As an alternative to the online ordering form, paper versions of application packages will continue to be available for download at *http://www.HCUP-us.AHRQ.gov/tech_assist/centdist.JSP*.

(2) HCUP Data Use Agreement Training. All persons wanting access to the HCUP databases must complete this online training course. The purpose of the training is to emphasize the importance of data protection, reduce the risk of inadvertent violations, and describe the individual's responsibility when using HCUP data. The training course can be accessed and completed online at *http://www.HCUPus.AHRQ.gov/tech_assist/dua.JSP.*

(3) HCUP Data Use Agreement (DUA). All persons wanting access to the HCUP databases must sign a data use agreement. Each database has a unique DUA; an example DUA for the Nationwide Inpatient Sample database is available at *http://www.HCUP-us.AHRQ.gov/team/NISDUA.JSP.*

HCUP databases are released to researchers outside of AHRQ after the completion of required training and submission of an application that includes a signed HCUP Data Use Agreement (DUA). In addition, before restricted access public release state-level databases are released, the user is asked for a brief description of their research to ensure that the planned use is consistent with HCUP policies and with the HCUP data use requirements. Fees are set for databases released through the HCUP Central Distributor depending on the type of database. The fees for sale of state-level data are determined by each participating Statewide Data Organization and reimbursed to those organizations.

II. The Privacy Act

The Privacy Act (5 U.S.C. 552a) governs the means by which the United States Government collects, maintains, and uses personally identifiable information (PII) in a system of records. A ''system of records'' is a group of any records under the control of a Federal agency from which information about individuals is retrieved by name or other personal identifier. The Privacy Act requires each agency to publish in the **Federal Register** a system of records notice (SORN) identifying and describing each system of records the agency maintains, including the purposes for which the agency uses PII in the system, the routine uses for which the agency discloses such information outside the agency, and how individual record subjects can exercise their rights under the Privacy Act (e.g., to determine if the system contains information about them).

SYSTEM NUMBER: 09–35–0003.

SYSTEM NAME:

''Online Application Ordering for Products from the Healthcare Cost and Utilization Project (HCUP)''.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Servers: The servers hosting the system will be housed at the Social & Scientific Systems data center located in Ashburn, VA.

Portals: This system will be accessed via the Internet.

System Software: System software will be maintained by Social & Scientific Systems, Silver Spring, MD.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will contain personally identifiable information (PII) about individual researchers who purchase HCUP databases through use of an HCUP online application that includes payment of a fee and execution of a Data Use Agreement placing restrictions on use of the HCUP data.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system will contain the following categories of records and PII data elements:

(1) HCUP Application Form, containing the individual's contact information (name, address, telephone number and email address), a coded number indicating that the individual completed the required HCUP Data Use Agreement Training, and a description of the individual's planned use of the HCUP data.

(2) Transaction Records, containing information on the database and/or software order and contact information for purchaser. Credit card numbers or bank account information from electronic orders will not be stored in the system after the transaction is complete.

(3) HCUP Data Use Agreement (DUA), containing the individual's signature and contact information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 299–299a; 42 U.S.C. 299c–2.

PURPOSE(S) OF THE SYSTEM:

HHS/AHRQ will use PII from this system for the following purposes:

(1) Business Transaction: Contact information will be used to communicate with the individual and to ship the data to the individual (e.g., on a disk or other media). The description of the individual's planned use of the HCUP data will be reviewed to confirm that it is consistent with the data use restrictions that apply to the data.

(2) Payment Transaction: Credit card and bank account information will be used to complete orders for HCUP databases and software products. Credit card and e-check transactions collected by the HCUP information system will be transmitted securely to a PCI-compliant payment gateway for approval. The payment gateway will process the transaction and cause the funds to be transferred when the order is completed.

(3) Enforcement of the HCUP Data Use Agreement (DUA): The individual's signature and contact information on the HCUP DUA and the coded number on the application form indicating completion of HCUP Data Use Agreement Training will be used in the event that the individual violates the DUA, to enforce the data use restrictions. Most of these restrictions have been put in place to safeguard the privacy of individuals and establishments represented in the data. For example, data users can only use the data for research, analysis, and aggregate statistical reporting and are prohibited from attempting to identify any persons in the data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system may disclose records containing PII to parties outside HHS for the following routine uses:

(1) Records may be disclosed to agency contractors who have been engaged by the agency to assist in accomplishment of the HHS function relating to the purposes of this system of records and who need to have access to the records in order to assist HHS.

(2) Records may be disclosed to the Department of Justice (DOA a court, or an adjudicatory body when:

- The agency or any component thereof, or
- Any employee of the agency in his or her official capacity, or
- Any employee of the agency in his or her individual capacity where DOJ has agreed to represent the employee, or
- The United States Government, is a party to litigation or has an interest in such litigation and, by careful review, HHS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

(3) Records may be disclosed to another federal agency or an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate, potential fraud, waste or abuse in federally funded programs, when disclosure is deemed reasonably necessary by HHS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste or abuse in such programs.

(4) Records may be disclosed to appropriate federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in this system of records, when the information disclosed is relevant and necessary for that assistance.

The system may also disclose PII data for any of the uses authorized directly in the Privacy Act at 5 U.S.C. 552a(b)(2) and (b)(4)–(11).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM—

STORAGE:

Information will be collected via the online ordering application, fax, or email. Electronic records are stored in databases on magnetic tape, on magnetic disk and in secure electronic files at the contractor's location (Social & Scientific Systems in Ashburn, VA) and at the tape storage facility: Storage Village White Flint, North Bethesda, MD.

Credit card or e-check information will not be stored in the information system's database after the transaction is completed. For those who cannot used the online application, the transaction can be completed with payments by check, purchase order, or wire transfer handled by fax or mail, and for these transactions, credit card or e-check information is destroyed when the order is completed.

RETRIEVABILITY:

The application and HCUP Data Use Agreement records will be retrieved by registrant/user name or User ID number.

SAFEGUARDS:

The identifiable information collected will be transmitted to the hosting server via an encrypted Secure Socket Layer (SSL) connection. Access to the database housing the identifiable information is accomplished through individual authorized administrative accounts. The server housing the identifiable information is located in a data center owned by Social & Scientific Systems and is located in Ashburn, VA. The data center is protected via 24/7 guards at all entrances, video monitoring systems, biometric hand readers, cage locks, and system firewalls.

- The information stored is captured and transmitted over an SSL connection for secure encrypted transmission.
- Access to the database is only permissible at the administrator level and is done so either (a) in order to fulfill the applicants request, (b) for system maintenance, or (c) in the event of a DUA violation.
- The server housing the system is located in a secure facility with 24/7 guards at the entrance points, camera monitoring systems, biometric hand readers, and cage locks.

The information collected by the electronic form will be stored in a SQL Server 2008 database. Data stored in the database will remain there indefinitely until requested by AHRQ. SSS performs nightly backups of the database. The backups are encrypted and stored offsite. At the conclusion of the contract, the information system as well as a current copy of the database can be provided to AHRQ by request.

The information system uses a defense-in-depth strategy when it comes to user access. Users are assigned individual credentials along with role based least-privileged user account (LUA). The LUA approach ensures that users follow the principle of least privilege and always log on with limited user accounts. This strategy also aims to limit the use of administrative credentials to administrators, and then only for administrative tasks.

RETENTION AND DISPOSAL:

Information in the application and Data Use Agreement will be retained for approximately twenty years, and may be kept longer if needed for enforcement, audit, legal, or other agency purposes. Retention is necessary for enforcement of data restrictions in the event of a Data Use Agreement violation. Storage will be in an electronic format that is encrypted, backed up, and stored in two secure locations.

PII related to the business transaction will be retained for up to 90 days so that a public user can return to their password protected account and complete their order. If a user forgets his/her password, the system will reset it and convey that information via email.

Information related to the payment process will not be retained after the transaction has been completed. Payment options will include credit card, e-check, check, purchase order or wire transfer. Information to complete credit card and e-check transactions will be collected by the information system and transmitted securely to a PCI-compliant payment gateway for approval. The payment gateway product will process the transaction and cause the funds to be transferred when the transaction is captured at the time of shipment. Credit card or e-check information will not be stored in the information system's database. Payments by check, purchase order, or wire transfer will be handled by fax or mail.

SYSTEM MANAGER AND ADDRESS:

HCUP Project Officer, Center for Delivery, Organization, and Markets, 540 Gaither Road, Rockville, MD 20850, Telephone: 301–427–1410, *HCUP@AHRQ.GOV*.

Individuals wishing to know if this system contains records about them should write to the System Manager.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about them in this system should follow the same instructions indicated under ''Notification Procedure'' and indicate the record(s) to which access is sought (i.e., application form or HCUP Data Use Agreement).

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest the content of information about them in

this system should follow the same instructions indicated under ''Notification Procedure.'' The request should reasonably identify the record, specify the information contested, state the corrective action sought, and provide the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

All information will be collected directly from the individual applicants/users of the Web site, when they complete the online application forms.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

Dated: May 21, 2013.

Carolyn M. Clancy,

AHRQ Director.

[FR Doc. 2013–12671 Filed 5–30–13; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (BSC, NCEH/ATSDR)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Times and Dates: 8:30 a.m.–3:00 p.m., June 27, 2013; 8:30 a.m.–12:00 p.m., June 28, 2013.

Place: CDC, 4770 Buford Highway, Atlanta, Georgia 30341.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 60 people.

Purpose: The Secretary, Department of Health and Human Services (HHS) and by delegation, the Director, CDC and Administrator, NCEH/ATSDR, are authorized under Section 301(42 U.S.C. 241) and Section 311(42 U.S.C. 243) of the Public Health Service Act, as amended, to: (1) Conduct, encourage, cooperate with, and assist other appropriate public authorities, scientific institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and other impairments; (2) assist states and their political subdivisions in the prevention of infectious diseases and other preventable conditions and in the promotion of health and well being; and (3) train state and local personnel in health work. The BSC, NCEH/ATSDR provides advice and guidance to the Secretary, HHS; the Director, CDC and Administrator, ATSDR; and the Director, NCEH/ATSDR, regarding program goals, objectives, strategies, and priorities in fulfillment of the agency's mission to protect and promote people's health. The board provides advice and guidance that will assist NCEH/ATSDR in ensuring scientific quality, timeliness, utility, and dissemination of results. The board also provides guidance to help NCEH/ATSDR work more efficiently and effectively with its various constituents and to fulfill its mission in protecting America's health.

Matters To Be Discussed: The agenda items for the BSC Meeting on June 27–28, 2013 will include NCEH/ATSDR Office of the Director updates: Environmental Health Emergencies updates, Lead Poisoning Prevention Activities updates, Epi Aids at NCEH/ATSDR update, Strategic Planning updates; and updates by BSC Federal Expert members on current activities at the National Institute for Occupational Safety and Health, U.S. Department of Energy, National Institute for Environmental Health Services and the U.S. Environmental Protection Agency.

Agenda items are subject to change as priorities dictate.

SUPPLEMENTARY INFORMATION: The public comment period is scheduled on Thursday, June 27, 2013 from 2:30 p.m. until 2:45 p.m., and on Friday, June 28, 2013 from 10:00 a.m. until 10:15 a.m.

Contact Person for More Information: Sandra Malcom, Committee Management Specialist, NCEH/ATSDR, CDC, 4770 Buford Highway, Mail Stop F–61, Chamblee, Georgia 30345; telephone 770/488–0575 or 770/488–0755, Fax: 770/488–3377; Email: *smalcom@cdc.gov.* The deadline for notification of attendance is June 21, 2013.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2013–12912 Filed 5–30–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10302, CMS–R–290 and CMS–10437]

Agency Information Collection Activities: Submission for OMB Review; 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), Department of Health and Human Services, 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 function; (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:* 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:* Annually; *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.)

2. *Type of Information Collection Request:* Reinstatement of a currently approved collection; *Title:* Medicare Program: Procedures for Making National Coverage Decisions; *Use:* We revised our April 27, 1999 (64 FR 22619) notice and published a new notice on September 26, 2003 (68 FR 55634) that described the process we use to make Medicare coverage decisions including decisions regarding whether new technology and services can be covered. We have made changes to our internal procedures in response to the comments we received following publication of the 1999 notice and experience under our new process. Over the past several years, we received numerous suggestions to further revise our process to continue to make it more open, responsive, and understandable to the public. We share the goal of increasing public participation in the development of Medicare coverage issues. This will assist us in obtaining the information we require to make a national coverage determination in a timely manner and ensuring that the Medicare program continues to meet the needs of its beneficiaries. *Form Number:* CMS–R–290 (OCN: 0938–0776); *Frequency:* Annual; *Affected Public:* Private sector: Business or other for-profits; *Number of Respondents:* 200; *Total Annual Responses:* 200; *Total Annual Hours:* 8,000. (For policy questions regarding this collection contact Katherine Tillman at 410–786–9252. For all other issues call 410–786–1326.)

1. *Type of Information Collection Request:* New collection (Request for a new control number; *Title of Information Collection:* Generic Social Marketing & Consumer Testing Research; *Use:* The purpose of this submission is to request an Information Collection Request (ICR) generic clearance for a program of consumer research aimed at a broad audience of those affected by CMS programs including Medicare, Medicaid, Children's Health Insurance Program (CHIP), and health insurance exchanges. This program extends strategic efforts to reach and tailor communications to beneficiaries, caregivers, providers, stakeholders, and any other audiences that would support the Agency in improving the functioning of the health care system, improve patient care and outcomes, and reduce costs without sacrificing quality of care. With the clearance, we will create a streamlined and proactive process for collection of data and utilizing the feedback on service delivery for continuous improvement of communication activities aimed at diverse CMS audiences.

The generic clearance will allow rapid response to inform CMS initiatives using a mixture of qualitative and quantitative consumer research strategies (including formative research studies and methodological tests) to improve communication with key CMS audiences. As new information resources and persuasive technologies are developed, they can be tested and evaluated for beneficiary response to the materials and delivery channels. Results will inform communication development and information architecture as well as allow for continuous quality improvement. The overall goal is to maximize the extent to which consumers have access to useful sources of CMS program information in a form that can help them make the most of their benefits and options

The activities under this clearance involve social marketing and consumer research using samples of self-selected customers, as well as convenience samples, and quota samples, with respondents selected either to cover a broad range of customers or to include specific characteristics related to certain products or services. All collection of information under this clearance will utilize a subset of items drawn from a core collection of customizable items referred to as the Social Marketing and Consumer Testing Item Bank. This item bank is designed to establish a set of pre-approved generic questions that can be drawn upon to allow for the rapid turn-around consumer testing required for us to communicate more effectively with our audiences. The questions in the item bank are divided into two major categories. One set focuses on characteristics of individuals and is intended primarily for participant screening and for use in structured quantitative on-line or telephone surveys. The other set is less structured and is designed for use in qualitative one-on-one and small group discussions or collecting information related to subjective impressions of test materials. A Study Initiation Request Form detailing each specific study (description, methodology, estimated burden) conducted under this clearance will be submitted before any testing is initialed. Results will be compiled and disseminated so that future communication can be informed by the testing results. We will use the findings to create the greatest possible public benefit. *Form Number:* CMS–10437 (OCN: 0938-New); *Frequency:* Yearly; *Affected Public:* Individuals. *Number of Respondents:* 41,592. *Number of Responses:* 28,800. *Total Annual Hours:* 21,488. (For policy questions regarding this collection contact Julie Franklin at 410–786–8126. 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.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on *July 1, 2013.*

OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–6974, Email: *OIRA_submission@omb.eop.gov.*

Dated: May 28, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–12934 Filed 5–30–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–367, CMS–10279, CMS–10483, CMS–301, CMS–317, CMS–319, CMS–10178 and CMS–10307]

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: The necessity and utility of the proposed information collection for the proper performance of the agency's functions; the accuracy of the estimated burden; ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension without change of a currently approved collection. *Title of Information Collection:* Medicaid Drug Program Monthly and Quarterly Drug Reporting Format; *Use:* Labelers transmit drug data to CMS within 30 days after the end of each calendar month and quarter. We calculate the unit rebate amount (URA) for each National Drug Code and distribute to all state Medicaid agencies. States use the URA to invoice the labeler for rebates. The monthly data is used to calculate Federal Upper Limit prices for applicable drugs and for states that opt to use this data to establish their pharmacy reimbursement methodology. *Form Number:* CMS–367 (OCN: 0938–0578); *Frequency:* Monthly and quarterly; *Affected Public:* Private sector (business or other for-profits); *Number of Respondents:* 590; *Total Annual Responses:* 9,440; *Total Annual Hours:* 139,712. (For policy questions regarding this collection contact Cindy Bergin at 410–786–1176. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Ambulatory Surgical Center Conditions for Coverage; *Use:* The Ambulatory Surgical Center (ASC) Conditions for Coverage (CfCs) focus on a patient-centered, outcome-oriented, and transparent processes that promote quality patient care. The CfCs are designed to ensure that each facility has properly trained staff to provide the appropriate type and level of care for that facility and provide a safe physical environment for patients. The CfCs are used by federal or state surveyors as a basis for determining whether an ASC qualifies for approval or re-approval under Medicare. We, along with the healthcare industry, believe that the availability to the facility of the type of records and general content of records, which this regulation specifies, is standard medical practice and is necessary in order to ensure the well-being and safety of patients and professional treatment accountability. *Form Number:* CMS–10279 (OCN: 0938–1071); *Frequency:* Annual; *Affected Public:* Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 5,300; *Total Annual Responses:* 5,300; *Total Annual Hours:* 206,700. (For policy questions regarding this collection contact Jacqueline Leach at 410–786–4282. For all other issues call 410–786–1326.)

3. *Type of Information Collection Request:* New Collection (Request for a new control number); *Title of Information Collection:* Evaluation of the Multi-Payer Advanced Primary Care Practice (MAPCP) Demonstration: Conduct Beneficiary Experience with Care Surveys; *Use:* On September 16, 2009, the Department of Health and Human Services announced the establishment of the Multi-payer Advanced Primary Care Practice (MAPCP) Demonstration, under which Medicare joined Medicaid and private insurers as a payer participant in state-sponsored patient-centered medical home (PCMH) initiatives. We selected eight states to participate in this demonstration: Maine, Vermont, Rhode Island, New York, Pennsylvania, North Carolina, Michigan, and Minnesota.

We are conducting a survey to assess the care experiences of beneficiaries involved in the MAPCP Demonstration. We have chosen to measure patient experience using a validated, standardized survey questionnaire, the PCMH version of the Consumer Assessment of Healthcare Providers and Systems (PCMH–CAHPS). The PCMH–CAHPS is a validated, federally developed instrument that measures patient experience in 6 domains (access to care, provider communication, office staff interactions, attention to medical/emotional health, health care support, and medication decisions). *Form Number:* CMS–10483 (OCN: 0938–NEW); *Frequency:* Annually; *Affected Public:* Individuals and households; *Number of Respondents:* 10,038; *Total Annual Responses:* 10,038; *Total Annual Hours:* 3,313. (For policy questions regarding this collection contact Suzanne Goodwin at 410–786–0226. For all other issues call 410–786–1326.)

4. *Type of Information Collection Request:* Reinstatement of a previously approved collection; *Title of Information Collection:* Certification of Medicaid Eligibility Quality Control (MEQC) Payment Error Rates; *Use:* We conduct these to determine whether or not the sampled cases meet applicable state Title XIX or XXI eligibility requirements when applicable. The reviews are also used to assess beneficiary liability, if any, and to determine the amounts paid to provide Medicaid services for these cases. In the Medicaid Eligibility Quality Control (MEQC) system, sampling is the only practical method of validating eligibility of the total caseload and determining the dollar value of eligibility liability errors. Any attempt to make such validations and determinations by reviewing every case would be an enormous and unwieldy undertaking. During each 6-month review period states are required to collect data on eligibility payment error dollars and paid claims dollars for each case in the sample. States must also identify cases for which a review cannot be conducted. At the conclusion of the 6-month review period, states must complete the Payment Error Rate form which contains aggregate data on sample size, number of sampled cases dropped, and number of sampled cases listed in error. These data, along with the calculated eligibility payment error rate and lower limit are certified by the State Medicaid Director (or designee) and submitted to the Regional Office. The collection of information is also necessary to implement provisions from the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) (Pub. L. 111–3) with regard to the MEQC and Payment Error Rate Measurement (PERM) programs. *Form Number:* CMS–301 (OCN: 0938–0246); *Frequency:* Semi-Annually; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 102; *Total Annual Hours:* 16,446. (For policy questions regarding this collection contact Monetha Dockery at 410–786–0155. For all other issues call 410–786–1326.)

5. *Type of Information Collection Request:* Reinstatement of previously approved collection; *Title of Information Collection:* State Medicaid Eligibility Quality Control (MEQC) Sample Plans; *Use:* The Medicaid Eligibility Quality Control (MEQC) system is based on monthly state reviews of Medicaid and Medicaid expansion under Title XXI cases by states performing the traditional sampling process identified through statistically reliable statewide samples of cases selected from the eligibility files. These reviews are conducted to determine whether or not the sampled cases meet applicable state Title XIX or XXI eligibility requirements when applicable. The reviews are also used to assess beneficiary liability, if any, and to determine the amounts paid to provide Medicaid services for these cases. In the MEQC system, sampling is the only practical method of validating eligibility of the total caseload and determining the dollar value of eligibility liability errors. Any attempt to make such validations and determinations by reviewing every case would be an enormous and unwieldy undertaking. In 1993, CMS implemented MEQC pilots in which states could focus on special studies, targeted populations, geographic areas or other forms of oversight with CMS approval. States must submit a sampling plan, or pilot proposal to be approved by CMS before implementing their pilot program. The Children's Health Insurance Program Reauthorization Act (CHIPRA) was enacted February 4, 2009. Sections 203 and 601 of the CHIPRA relate to MEQC. Section 203 of the CHIPRA establishes an error rate measurement with respect to the enrollment of children under the express lane eligibility option. The law directs states not to include children enrolled using the express lane eligibility option in data or samples used for purposes of complying with the MEQC requirements. Section 601 of the CHIPRA, among other things, requires a new final rule for the Payment Error Rate Measurement (PERM) program and aims to harmonize the PERM and MEQC programs and provides states with the option to apply PERM data resulting from its eligibility reviews for meeting MEQC requirements and vice versa, with certain conditions. CMS reviews, either directly or through its contractors, of the sampling plans helps to ensure states are using valid statistical methods for sample selection. The collection of information is also necessary to implement provisions from the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) (Pub. L. 111–3) with regard to the MEQC and Payment Error Rate Measurement (PERM) programs. *Form Number:* CMS–317 (OCN: 0938–0148); *Frequency:* Semi-Annually; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 10; *Total Annual Responses:* 20; *Total Annual Hours:* 480. (For policy questions regarding this collection contact Monetha Dockery at 410–786–0155. For all other issues call 410–786–1326.)

6. *Type of Information Collection Request:* Reinstatement of a previously approved collection; *Title of Information Collection:* State Medicaid Eligibility Quality Control (MEQC) Sample Selection Lists; *Use:* The Medicaid Eligibility Quality Control MEQC system is based on monthly state reviews of Medicaid and Medicaid expansion under Title XXI cases by states performing the traditional sampling process identified through statistically reliable statewide samples of cases selected from the eligibility files. These reviews are conducted to determine whether or not the sampled cases meet applicable state Title XIX or XXI eligibility requirements when applicable. The reviews are also used to assess beneficiary liability, if any, and to determine the amounts paid to provide Medicaid services for these cases. In the MEQC system, sampling is the only practical method of validating eligibility of the total caseload and determining the dollar value of eligibility liability errors. Any attempt to make such validations and determinations by reviewing every case would be an enormous and unwieldy undertaking. At the beginning of each month, state agencies still performing the traditional sample are required to submit sample selection lists which identify all of the cases selected for review in the states' samples. The sample selection lists contain identifying information on Medicaid beneficiaries such as: State agency review number, beneficiary's name and address, the name of the county where the beneficiary resides, Medicaid case number, etc. The submittal of the sample selection lists is necessary for regional office validation of state reviews. Without these lists, the integrity of the sampling results would be suspect and the regional offices would have no data on the adequacy of the states' monthly sample draw or review completion status. The authority for collecting this information is Section 1903(u) of the Social Security Act. The specific requirement for submitting sample selection lists is described in regulations at 42 CFR 431.814(h). Regional Office staff review the sample selection lists to determine that states are sampling a sufficient number of cases for review. *Form Number:* CMS–319 (OCN: 0938–0147); *Frequency:* Monthly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 10; *Total Annual Responses:* 120; *Total Annual Hours:* 960. (For policy questions regarding this collection contact Monetha Dockery at 410–786–0155. For all other issues call 410–786–1326.)

7. *Type of Information Collection Request:* Reinstatement of a previously approved collection; *Title of Information Collection:* Medicaid and Children's Health Insurance (CHIP) Managed Care Claims and Related Information; *Use:* The Payment Error Rate Measurement (PERM) program measures improper payments for Medicaid and the State Children's Health Insurance Program (SCHIP). The program was designed to comply with the Improper Payments Information Act (IPIA) of 2002 and the Office of Management and Budget (OMB) guidance. Although OMB guidance requires error rate measurement for SCHIP, 2009 SCHIP legislation temporarily suspended PERM measurement for this program and changed to Children's Health Insurance Program (CHIP) effective April 01, 2009. Please see Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) Public Law 111–3 for more details. There are two phases of the PERM program, the measurement phase and the corrective action phase. The PERM measures improper payments in Medicaid and CHIP and produces state and national-level error rates for each program. The error rates are based on reviews of Medicaid and CHIP fee-for-service (FFS) and managed care payments made in the federal fiscal year under review. States conduct eligibility reviews and report eligibility related payment error rates also used in the national error rate calculation. We created a 17 state rotation cycle so that each state will participate in PERM once every three years. Following is the list of states in which CMS will measure improper payments over the next three years in Medicaid. We need to collect capitation payment information from the selected states so that the federal contractor can draw a sample and review the managed care capitation payments. We will also collect state managed care contracts, rate schedules and updates to the contracts and rate schedules. This information will be used by the federal contractor when conducting the managed care claims reviews. Sections 1902(a)(6) and

2107(b)(1) of the Social Security Act grants CMS authority to collect information from the States. The IPIA requires CMS to produce national error rates in Medicaid and CHIP fee-for-service, including the managed care component. The state-specific Medicaid managed care and CHIP managed care error rates will be based on reviews of managed care capitation payments in each program and will be used to produce national Medicaid managed care and CHIP managed care error rates. *Form Number:* CMS–10178 (OCN: 0938–0994); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; Number *of Respondents:* 34; *Total Annual Responses:* 2040; *Total Annual Hours:* 28,050. (For policy questions regarding this collection contact Monetha Dockery at 410–786–0155. For all other issues call 410–786–1326.)

8. *Type of Information Collection Request:* Reinstatement with change of a previously approved information collection; *Title of Information Collection:* Medical Necessity and Claims Denial Disclosures under MHPAEA; *Use:* The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) (P.L.110–343) requires that group health plans and group health insurance issuers offering mental health or substance use disorder (MH/SUD) benefits in addition to medical and surgical (med/surg) benefits ensure that that they do not apply any more restrictive financial requirements (e.g., co-pays, deductibles) and/or treatment limitations (e.g., visit limits) to MH/SUD benefits than those requirements and/or limitations applied to substantially all med/surg benefits.

Medical Necessity Disclosure Under MHPAEA

The MHPAEA section 512(b) specifically amends the Public Health Service (PHS) Act to require plan administrators or health insurance issuers to provide, upon request, the criteria for medical necessity determinations made with respect to MH/SUD benefits to current or potential participants, beneficiaries, or contracting providers. The interim final rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (75 FR 5410, February 2, 2010) set forth rules for providing criteria for medical necessity determinations. CMS oversees non-federal governmental plans or related health insurance.

Claims Denial Disclosure Under MHPAEA

The MHPAEA section 512(b) specifically amends the Public Health Service (PHS) Act to require plan administrators or health insurance issuers to supply, upon request, the reason for any denial of payment for MH/SUD services to the participant or beneficiary involved in the case. The interim final rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (75 FR 5410, February 2, 2010) implement 45 CFR 146.136(d)(2), which sets forth rules for providing reasons for denial of payment. We oversee non-federal governmental plans or related health insurance, and the regulation provides a safe harbor such that plans or issuers are deemed to comply with requirements of paragraph (d)(2) of 45 CFR 166.136 if they provide the notice in a form and manner consistent with ERISA requirements found in 29 CFR 2560.503–1. *Form Number:* CMS–10307 (OMB Control No. 0938–1080); *Frequency:* On Occasion; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 20,300; *Number of Responses:* 509,600; *Total Annual Hours:* 2,200. (For policy questions regarding this collection, contact Usree Bandyopadhyay at 410–786–6650. 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 July 30, 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: May 28, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–12950 Filed 5–30–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7028–N]

Medicare, Medicaid, and Children's Health Insurance Programs; Renewal of the Advisory Panel on Outreach and Education (APOE) and Request for Nominations

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces that the charter of the Advisory Panel on Outreach and Education (APOE) has been renewed. It also requests nominations for individuals to serve on the APOE.

DATES: Nominations will be considered if we receive them at the appropriate address, provided in the **ADDRESSES** section of this notice, no later than 5 p.m., Eastern Daylight Time (e.d.t.) on July 1, 2013.

ADDRESSES: Mail or deliver nominations to the following address: Kirsten Knutson, Acting Designated Federal Official, Office of Communications, CMS, 7500 Security Boulevard, Mail Stop S1–13–05, Baltimore, MD 21244–1850 or email to *Kirsten.Knutson@cms.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kirsten Knutson, Acting Designated Federal Official, Office of Communications, CMS, 7500 Security Boulevard, Mail Stop S1–13–05, Baltimore, MD 21244, 410–786–5886, email *kirsten.knutson@cms.hhs.gov* or visit the Web site at *http://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/APOE.html.* Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION:

I. Background

The Advisory Panel on Medicare Education (the predecessor to the APOE) was created in 1999 to advise and make recommendations to the

Secretary of Health and Human Services (the Secretary), and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on the effective implementation of national Medicare education programs, including with respect to the Medicare+Choice (M+C) program added by the Balanced Budget Act of 1997 (Pub. L. 105–33).

The Medicare Modernization Act of 2003 (MMA) (Pub. L. 108–173) expanded the existing health plan options and benefits available under the M+C program and renamed it the Medicare Advantage (MA) program. We have had substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options available and better tools to evaluate these options. Successful MA program implementation required us to consider the views and policy input from a variety of private sector constituents and to develop a broad range of public-private partnerships.

In addition, the Secretary, and by delegation, the Administrator of CMS was authorized under Title I of MMA to establish the Medicare prescription drug benefit. The drug benefit allows beneficiaries to obtain qualified prescription drug coverage. In order to effectively administer the MA program and the Medicare prescription drug benefit, we have substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options and benefits available, and to develop better tools to evaluate these plans and benefits.

The Affordable Care Act (Patient Protection and Affordable Care Act, Pub. L. 111–148 and Health Care and Education Reconciliation Act of 2010, Pub. L. 111–152) enacted a number of changes to Medicare as well as to Medicaid and the Children's Health Insurance Program (CHIP), and also expanded the availability of other options for health care coverage. In order to effectively implement and administer these changes, we must provide information to Medicare, Medicaid, and CHIP consumers, providers and other stakeholders pursuant to education and outreach programs regarding how these programs will change and the expanded range of health coverage options available. The Advisory Panel on Outreach and Education allows us to consider a broad range of views and information from interested audiences in connection with this effort and to identify opportunities to enhance the effectiveness of education strategies concerning the Affordable Care Act.

II. Provisions of This Notice

A. Renewal of the APOE

Pursuant to the charter approved on January 21, 2013, the APOE was renewed. The APOE will advise the Department of Health and Human Services (DHHS) and CMS on developing and implementing education programs that support individuals with or who are eligible for Medicare, Medicaid, and the Children's Health Insurance Program (CHIP) about options for selecting health care coverage under these and other programs envisioned under health care reform to ensure improved access to quality care, including prevention services. The scope of this Federal Advisory Committee Act (FACA) group also includes advising on education of providers and stakeholders with respect to health care reform and certain provisions of the Health Information Technology for Economic and Clinical Health (HITECH) Act enacted as part of the American Recovery and Reinvestment Act of 2009 (ARRA).

The charter will terminate on January 21, 2015, unless renewed by appropriate action. The APOE was chartered under 42 U.S.C. 222 of the Public Health Service Act, as amended. The APOE is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Pursuant to the renewed charter, the APOE will advise the Secretary of Health and Human Services and the CMS Administrator concerning optimal strategies for the following:

- Developing and implementing education and outreach programs for individuals enrolled in or eligible for Medicare, Medicaid, and CHIP.
- Enhancing the Federal government's effectiveness in informing the Medicare, Medicaid, and CHIP consumers, providers and stakeholders pursuant to education and outreach programs of issues regarding these and other health coverage programs, including the appropriate use of public-private partnerships to leverage the resources of the private sector in educating beneficiaries, providers and stakeholders.
- Expanding outreach to vulnerable and underserved communities, including racial and ethnic minorities, in the context of Medicare, Medicaid, and CHIP education programs.
- Assembling and sharing an information base of ''best practices'' for helping consumers evaluate health plan options.
- Building and leveraging existing community infrastructures for information, counseling and assistance.
- Drawing the program link between outreach and education, promoting consumer understanding of health care coverage choices, and facilitating consumer selection/enrollment; which in turn support the overarching goal of improved access to quality care, including prevention services, envisioned under health care reform.

B. Requests for Nominations

The APOE shall consist of no more than 20 members. The Chair shall either be appointed from among the 20 members, or a Federal official will be designated to serve as the Chair. The charter requires that meetings shall be held approximately four times per year. Members will be expected to attend all meetings. The members and the Chair shall be selected from authorities knowledgeable in one or more of the following fields:

- Senior citizen advocacy
- Outreach to minority communities
- Health communications
- Disease-related advocacy
- Disability policy and access
- Health economics research
- Health insurers and plans
- Health information technology (IT)
- Direct patient care
- Matters of labor and retirement

Representatives of the general public may also serve on the APOE.

This notice also announces that in July 2013, there will be 3 expired terms of membership and in October 2013, there will be an additional 3 expired terms of membership. This notice is an invitation to interested organizations or individuals to submit their nominations for membership for all six vacancies on the APOE (no self-nominations will be accepted). The CMS Administrator will appoint new members to the APOE from among those candidates determined to have the expertise required to meet specific agency needs, and in a manner to ensure an appropriate balance of membership. We have an interest in ensuring that the interests of both women and men, members of all racial and ethnic groups, and disabled individuals are adequately represented on the APOE. Therefore, we encourage nominations of qualified candidates who can represent these interests. Any interested organization or person may nominate one or more qualified persons.

Current members whose terms expire in 2013 may be considered for reappointment, subject to committee service guidelines.

Each nomination must include a letter stating that the nominee has expressed

a willingness to serve as a Panel member and must be accompanied by a curricula vitae and a brief biographical summary of the nominee's experience.

While we are looking for experts in a number of fields, our most critical needs are for experts in Health IT, Tribal Affairs, Community Health Centers/Medically Underserved Populations, African-American Health/Disparities, Health/Disability/Quality and State Programs/Medicaid/Rural.

We are requesting that all curricula vitae include the following:

- Date of birth
- Place of birth
- Title and current position
- Professional affiliation
- Home and business address
- Telephone and fax numbers
- Email address
- List of areas of expertise

Phone interviews of nominees may also be requested after review of the nominations.

In order to permit an evaluation of possible sources of conflict of interest, potential candidates will be asked to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts.

Members are invited to serve for 2-year terms, contingent upon the renewal of the APOE by appropriate action prior to its termination. A member may serve after the expiration of that member's term until a successor takes office. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of that term.

III. Copies of the Charter

The Secretary's Charter for the APOE is available on the CMS Web site at: *http://www.cms.gov/Regulations-and Guidance/Guidance/FACA/APOE.html,* or you may obtain a copy of the charter by submitting a request to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Authority: Sec. 222 of the Public Health Service Act (42 U.S.C. 217a) and sec. 10(a) of Pub. L. 92–463 (5 U.S.C. App. 2, sec. 10(a) and 41 CFR 102–3).

(Catalog of Federal Domestic Assistance Program No. 93.733, Medicare—Hospital Insurance Program; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 23, 2013.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2013–12957 Filed 5–30–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1459–N]

Medicare Program; Notification of Closure of Teaching Hospitals and Opportunity To Apply for Available Slots

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the closure of two teaching hospitals and the initiation of an application process where hospitals must apply to the Centers for Medicare & Medicaid Services (CMS) for consideration of Infirmary West Hospital's and Montgomery Hospital's full time equivalent (FTE) resident cap slots.

DATES: We will consider applications received no later than 5 p.m. (e.s.t) August 29, 2013. Applications must be received, not postmarked, by this date.

FOR FURTHER INFORMATION CONTACT: Miechal Lefkowitz, (212) 616–2517.

SUPPLEMENTARY INFORMATION:

I. Background

Section 5506 of the Patient Protection and Affordable Care Act (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively, the ''Affordable Care Act''), ''Preservation of Resident Cap Positions from Closed Hospitals,'' authorizes the Secretary to redistribute residency slots after a hospital that trained residents in an approved medical residency program closes. Specifically, section 5506 of the Affordable Care Act amended the Social Security Act (the Act) by adding subsection (vi) to section 1886(h)(4)(H) of the Act and modifying language at section 1886(d)(5)(B)(v) of the Act, to instruct the Secretary to establish a process to increase the full time equivalent (FTE) resident caps for other hospitals based upon the FTE resident caps in teaching hospitals that closed ''on or after a date that is 2 years before the date of enactment'' (that is, March 23, 2008). In the November 24, 2010 Calendar Year (CY) 2011 Outpatient Prospective Payment System (OPPS) final rule (75 FR 72212), we established regulations and an application process for qualifying hospitals to apply to CMS for consideration of the direct graduate medical education (GME) and indirect medical education (IME) FTE resident cap slots from the hospital that closed. We made certain modifications to those regulations in the Fiscal Year (FY) 2013 Hospital Inpatient Prospective Payment System and FY 2013 Long Term Care Hospital Prospective Payment System final rule (FY 2013 IPPS/LTCH PPS final rule (77 FR 53434 through 53447)).

II. Provisions of the Notice

a. Notice of Closure of Teaching Hospitals and Application Process

CMS has learned of the closure of two teaching hospitals; Infirmary West Hospital of Mobile, AL and Montgomery Hospital of Morristown, PA. The purpose of this notice is to notify the public of the closure of these two teaching hospitals, and to initiate another round of the application and selection process described in section 5506 of the Affordable Care Act. This round will be the fifth round (''Round 5'') of the application and selection process. The table below identifies the two closed teaching hospitals, which are part of the Round 5 application process under section 5506 of the Affordable Care Act:

TEACHING HOSPITALS CLOSURE

Provider No.	Provider name	City and state	CBSA code	Terminating date	IME Cap (including +/− MMA Sec. 422 [1] and +/− ACA Sec. 5503 [2] Adjustments)	Direct GME Cap (including +/− MMA Sec. 422 [1] and +/− ACA Sec. 5503 [2] Adjustments)
010152	Infirmary West Hospital.	Mobile, AL	33660	November 1, 2012 ...	10.08 + 21.66 section 422 increase = 31.74 [3].	10.08 + 21.76 section 422 increase = 31.84 [4].

TEACHING HOSPITALS CLOSURE—Continued

Provider No.	Provider name	City and state	CBSA code	Terminating date	IME Cap (including +/− MMA Sec. 422[1] and +/− ACA Sec. 5503[2] Adjustments)	Direct GME Cap (including +/− MMA Sec. 422[1] and +/− ACA Sec. 5503[2] Adjustments)
390108	Montgomery Hospital	Morris-town, PA	37964	October 16, 2012	17.16 − 0.60 = 16.56[5].	15.33.

[1] Section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), Pub. L. 108–173, redistributed unused residency slots effective July 1, 2005.

[2] Section 5503 of the Affordable Care Act, Public Law 111–148, redistributed unused slots effective July 1, 2011.

[3] Infirmary West's 1996 IME FTE cap is 10.08. Under section 422 of the MMA, the hospital received an increase of 21.66 to its IME FTE cap: 10.08 + 21.66 = 31.74. We note that, under 42 CFR 412.105(d)(4), IME FTE cap slots associated with an increase received under section 422 of the MMA are to be paid using a special multiplier of 0.66.

[4] Infirmary West's 1996 direct GME FTE cap is 10.08. Under section 422 of the MMA, the hospital received an increase of 21.76 to its direct GME FTE cap: 10.08 + 21.76 = 31.84. We note that under 42 CFR 413.77(g), direct GME FTE cap slots associated with an increase received under section 422 of the MMA are to be paid using the appropriate locality-adjusted national average per resident amount (PRA).

[5] Montgomery Hospital's 1996 IME FTE cap is 17.16. Under section 5503 of the ACA, the IME FTE cap was reduced by 0.60: 17.16 − 0.60 = 16.56.

b. Application Process for Available Resident Slots

The application period for hospitals to apply for slots under section 5506 of the Affordable Care Act is 90 days following notification to the public of a hospital closure. Therefore, hospitals wishing to apply for and receive slots from the above hospitals' FTE resident caps must submit applications directly to the CMS Central Office no later than August 29, 2013. In previous rounds of section 5506 of the Affordable Care Act, hospitals submitted applications to their respective CMS Regional Office. However, under this round (Round 5), hospitals need not submit applications to their respective CMS Regional Office. The mailing address for the CMS Central Office is included on the application form. Applications must be *received* by the August 29, 2013 deadline date. It is not sufficient for applications to be postmarked by this date. After an applying hospital sends a hard copy of a section 5506 application to the CMS Central Office mailing address, we strongly encourage the hospital to send an email to: *ACA5506application@cms.hhs.gov.* In the email, the hospital should state: ''I am sending this email to notify CMS that I have mailed a hard copy of a section 5506 application to CMS.'' An applying hospital should not attach an electronic copy of the application to the email. The email will only serve to notify CMS Central Office that a hard copy application has been mailed to CMS Central Office.

In the CY 2011 OPPS/ASC final rule with comment period, we did not establish a deadline by when CMS would issue the final determinations to hospitals that receive slots under section 5506 of the Affordable Care Act. However, we will review all applications received by the deadline, and notify applicants of our determinations as soon as possible.

We refer readers to the CMS Web site at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/dgme.html* to download a copy of the application form (Section 5506 CMS Application Form) that hospitals are to use to apply for slots under section 5506 of the Affordable Care Act. We also refer readers to this same Web site to access a copy of the CY 2011 OPPS/ASC final rule with comment period, a copy of the FY 2013 IPPS/LTCH PPS final rule (77 FR 53434 through 53447), and a list of additional section 5506 guidelines for an explanation of the policy and procedures for applying for slots, and the redistribution of the slots under sections 1886(h)(4)(H)(vi) and 1886(d)(5)(B)(v) of the Act.

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Furthermore, the information collection requirements associated with the preservation of resident cap positions from closed hospitals are not subject to the Paperwork Reduction Act, as stated in section 5506 of the Affordable Care Act.

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 24, 2013.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2013–12952 Filed 5–30–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7029–N]

Medicare, Medicaid, and Children's Health Insurance Programs; Meeting of the Advisory Panel on Outreach and Education (APOE), June 24, 2013

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Advisory Panel on Outreach and Education (APOE) (the Panel) in accordance with the Federal Advisory Committee Act. The Panel advises and makes recommendations to the Secretary of Health and Human Services and the Administrator of the Centers for Medicare & Medicaid Services on opportunities to enhance the effectiveness of consumer education strategies concerning Medicare, Medicaid and the Children's Health Insurance Program (CHIP). This meeting is open to the public.

DATES: *Meeting Date:* Monday, June 24, 2013, 8:30 a.m. to 4:00 p.m. Eastern Standard Time (EST).

Deadline for Meeting Registration, Presentations and Comments: Monday, June 10, 2013, 5:00 p.m., EST.

Deadline for Requesting Special Accommodations: Monday, June 10, 2013, 5:00 p.m., EST.

ADDRESSES: *Meeting Location:* The Hilton Garden Inn, 7301 Waverly Street, Bethesda, MD 20814.

Presentations and Written Comments: Kirsten Knutson, Acting Designated Federal Official (DFO), Division of Forum and Conference Development, Office of Communications, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mailstop S1–13–05, Baltimore, MD 21244–1850 or contact Ms. Knutson via email at *Kirsten.Knutson@cms.hhs.gov.*

Registration: The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register at the Web site *http://events.SignUp4.com/APOEJUN2013MTG* or by contacting the DFO at the address listed in the **ADDRESSES** section of this notice or by telephone at number listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, by the date listed in the **DATES** section of this notice. Individuals requiring sign language interpretation or other special accommodations should contact the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Kirsten Knutson, (410) 786–5886. Additional information about the APOE is available on the Internet at: *http://www.cms.gov/Regulations-and Guidance/Guidance/FACA/APOE.html.* Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION: In accordance with section 10(a) of the Federal Advisory Committee Act (FACA), this notice announces a meeting of the Advisory Panel on Outreach and Education (APOE) (the Panel). Section 9(a)(2) of the Federal Advisory Committee Act authorizes the Secretary of Health and Human Services (the Secretary) to establish an advisory panel if the Secretary determines that the panel is ''in the public interest in connection with the performance of duties imposed . . . by law.'' Such duties are imposed by section 1804 of the Social Security Act (the Act), requiring the Secretary to provide informational materials to Medicare beneficiaries about the Medicare program, and section 1851(d) of the Act, requiring the Secretary to provide for ''activities . . . to broadly disseminate information to [M]edicare beneficiaries . . . on the coverage options provided under [Medicare Advantage] in order to promote an active, informed selection among such options.''

The Panel is also authorized by section 1114(f) of the Act (42 U.S.C. 1314(f)) and section 222 of the Public Health Service Act (42 U.S.C. 217a). The Secretary signed the charter establishing this Panel on January 21, 1999 (64 FR 7899, February 17, 1999) and approved the renewal of the charter on January 21, 2011 (76 FR 11782, March 3, 2011).

Pursuant to the amended charter, the Panel advises and makes recommendations to the Secretary of Health and Human Services and the Administrator of the Centers for Medicare & Medicaid Services (CMS) concerning optimal strategies for the following:

- Developing and implementing education and outreach programs for individuals enrolled in, or eligible for, Medicare, Medicaid and the Children's Health Insurance Program (CHIP).
- Enhancing the federal government's effectiveness in informing Medicare, Medicaid and CHIP consumers, providers and stakeholders pursuant to education and outreach programs of issues regarding these and other health coverage programs, including the appropriate use of public-private partnerships to leverage the resources of the private sector in educating beneficiaries, providers and stakeholders.
- Expanding outreach to vulnerable and underserved communities, including racial and ethnic minorities, in the context of Medicare, Medicaid and CHIP education programs.
- Assembling and sharing an information base of ''best practices'' for helping consumers evaluate health plan options.
- Building and leveraging existing community infrastructures for information, counseling and assistance.
- Drawing the program link between outreach and education, promoting consumer understanding of health care coverage choices and facilitating consumer selection/enrollment, which in turn support the overarching goal of improved access to quality care, including prevention services, envisioned under health care reform.

The current members of the Panel are: Samantha Artiga, Principal Policy Analyst, Kaiser Family Foundation; Joseph Baker, President, Medicare Rights Center; Philip Bergquist, Manager, Health Center Operations, CHIPRA Outreach & Enrollment Project and Director, Michigan Primary Care Association; Marjorie Cadogan, Executive Deputy Commissioner, Department of Social Services; Jonathan Dauphine, Senior Vice President, AARP; Barbara Ferrer, Executive Director, Boston Public Health Commission; Shelby Gonzales, Senior Health Outreach Associate, Center on Budget & Policy Priorities; Jan Henning, Benefits Counseling & Special Projects Coordinator, North Central Texas Council of Governments' Area Agency on Aging; Warren Jones, Executive Director, Mississippi Institute for Improvement of Geographic Minority Health; Cathy Kaufmann, Administrator, Oregon Health Authority; Sandy Markwood, Chief Executive Officer, National Association of Area Agencies on Aging; Miriam Mobley-Smith, Dean, Chicago State University, College of Pharmacy; Ana Natale-Pereira, Associate Professor of Medicine, University of Medicine & Dentistry of New Jersey; Megan Padden, Vice President, Sentara Health Plans; David W. Roberts, Vice-President, Healthcare Information and Management System Society; Julie Bodën Schmidt, Associate Vice President, National Association of Community Health Centers; Alan Spielman, President & Chief Executive Officer, URAC; Winston Wong, Medical Director, Community Benefit Director, Kaiser Permanente and Darlene Yee-Melichar, Professor & Coordinator, San Francisco State University.

The agenda for the June 24, 2013 meeting will include the following:

- Welcome and Listening Session with CMS Leadership
- Recap of the Previous (March 27, 2013) Meeting
- Affordable Care Act Initiatives
- An Opportunity for Public Comment
- Meeting Summary, Review of Recommendations and Next Steps

Individuals or organizations that wish to make a 5-minute oral presentation on an agenda topic should submit a written copy of the oral presentation to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice. The number of oral presentations may be limited by the time available. Individuals not wishing to make a presentation may submit written comments to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

Authority: Sec. 222 of the Public Health Service Act (42 U.S.C. 217a) and sec. 10(a) of Pub. L. 92–463 (5 U.S.C. App. 2, sec. 10(a) and 41 CFR 102–3).

(Catalog of Federal Domestic Assistance Program No. 93.733, Medicare—Hospital Insurance Program; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 23, 2013.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2013–12953 Filed 5–30–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Unaccompanied Refugee Minor Placement and Outcomes Reports; ORR–3 and ORR–4.

OMB No.: 0970–0034.

Description: The two reports collect information necessary to administer the Unaccompanied Refugee Minor (URM) program. The ORR–3 (Placement Report) is submitted to the Office of Refugee Resettlement (ORR) by the State agency at initial placement within 30 days of the placement, and whenever there is a change in the child's status, including termination from the program, within 60 days of the change or closure of the case. The ORR–4 (Outcomes Report) is submitted within approximately 12 months of the initial placement and each subsequent 12 months to record outcomes of the child's progress toward the goals listed in the child's case plan and particularly for youth 17 years of age and above related to independent living and/or educational plans. ORR–4 is also submitted as a baseline report along with the initial ORR–3 report for 17 years old and above youth, and as a follow-up annual report for cases that have terminated and are 17 to 21 years old. ORR regulations at 45 CFR 400.120 describes specific URM program reporting requirements.

Respondents: State governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ORR–3	15	Estimate responses 75	0.25 (15 Minutes)	Estimated 281.25
ORR–4	15	Estimate responses 119	1.5 (1 Hour and 30 Minutes)	Estimated 2,677.5

Estimated Total Annual Burden Hours: 2,958.75.

Additional Information: Copies of the proposed collection may be obtained 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. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV.* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2013–12875 Filed 5–30–13; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Job Search Assistance (JSA) Strategies Evaluation.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF) is proposing an information collection activity as part of the Job Search Assistance (JSA) Strategies Evaluation. The proposed information collection consists of semi-structured interviews with key respondents involved with job search assistance programs in states and localities. Through this information collection and other study activities, ACF seeks to identify the types of job search assistance strategies that should be tested within the context of current TANF policies and requirements.

Respondents: State and local TANF administrators, program staff, and stakeholders such as researchers and policy experts.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Discussion Guide for Use with Researchers and Policy Experts	15	1	1	15	7.5
Discussion Guide for use with State and Local TANF Administrators	35	1	2.5	87.5	43.75
Discussion Guide for Use with Program Staff	50	1	2	100	50

Estimated Total Annual Burden Hours: 101.25.

In compliance with the requirements of Section 3506(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: 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 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.

Steven M. Hanmer,

Reports Clearance Officer.

[FR Doc. 2013–12904 Filed 5–30–13; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0571]

Draft Guidance for Industry on Rheumatoid Arthritis: Developing Drug Products for Treatment; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Rheumatoid Arthritis: Developing Drug Products for Treatment.'' This guidance outlines FDA's current thinking on the principles of clinical development relevant to dose-selection and assessment of efficacy and safety to support the approval of drug products for the treatment of patients with rheumatoid arthritis (RA). It also addresses additional considerations for drug products developed as drug-device combination products. This guidance revises the guidance for industry entitled ''Clinical Development Programs for Drugs, Devices, and Biological Products for the Treatment of Rheumatoid Arthritis (RA),'' published in February 1999.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by July 30, 2013.

ADDRESSES: Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002; or Office of Communication, Outreach, and Development (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448; or the Division of Small Manufacturers, International, and Consumer Assistance, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Nikolay Nikolov, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 3335, Silver Spring, MD 20993–0002, 301–796–5281; or Stephen Ripley, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210; or Markham Luke Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1680, Silver Spring, MD 20993–0002, 301–796–5556.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Rheumatoid Arthritis: Developing Drug Products for Treatment.'' This draft guidance reflects current FDA thinking on RA drug product development. FDA's current thinking has been influenced by clinical development programs conducted for RA since the 1999 guidance published, and by changes in the standard of care for RA because of availability of many effective treatments. RA drug product development has evolved to reflect the current status of the RA therapeutic armamentarium, good clinical practice, and treatment goals.

The draft guidance addresses:

- Dose(s) and dosing regimen(s) selection throughout the clinical development program.
- Expectations for establishing efficacy in RA based on signs and symptoms and physical function domains.
- Use of efficacy endpoints such as clinical remission and prevention of structural damage progression.
- Limiting the use of placebo.
- Use of active comparator for safety and efficacy trials.
- Principles of safety assessment.
- Development of drug-device combination products.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on developing drug products for the treatment of RA. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of

comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm, http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm,* or *http://www.regulations.gov.*

Dated: May 24, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–12922 Filed 5–30–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–1999–D–3528 (Formerly Docket No. 99D–5046)]

Draft Guidance for Industry: Changes to an Approved Application: Biological Products: Human Blood and Blood Components Intended for Transfusion or for Further Manufacture; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft document entitled ''Guidance for Industry: Changes to an Approved Application: Biological Products: Human Blood and Blood Components Intended for Transfusion or for Further Manufacture'' dated June 2013. The draft guidance document provides manufacturers of licensed Whole Blood and blood components intended for transfusion or for further manufacture, including Source Plasma, with recommendations intended to assist with determining which reporting mechanism is appropriate for submission of changes to an approved biologics license application. The guidance document also provides manufacturers of licensed Whole Blood and blood components recommendations in connection with the applicability and content of comparability protocols and labeling changes. The draft guidance, when finalized, is intended to supersede the document of the same title dated July 2001 (July 2001 guidance).

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by August 29, 2013.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Jonathan R. McKnight, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Guidance for Industry: Changes to an Approved Application: Biological Products: Human Blood and Blood Components Intended for Transfusion or for Further Manufacture'' dated June 2013. The document provides manufacturers of licensed Whole Blood and blood components intended for transfusion or for further manufacture, including Source Plasma, with recommendations intended to assist with determining which reporting mechanism is appropriate for submission of changes to an approved biologics license application in accordance with the requirements under Title 21 Code of Federal Regulations 601.12 (21 CFR 601.12). The guidance document also provides manufacturers of licensed Whole Blood and blood components with recommendations in connection with the applicability and content of comparability protocols under 21 CFR 601.12(e) and labeling changes under 21 CFR 601.12(f). Frequently, a manufacturer of a licensed product determines that it is appropriate to make a change in its product, production process, quality controls, equipment, facilities, responsible personnel, or labeling as documented in its approved biologics license application(s). Section 601.12 (21 CFR 601.12) states the requirements to report such changes for licensed biological products to FDA.

The recommendations contained in the guidance document reflect current FDA and industry experience with reporting changes to an approved application, including reporting the implementation of new technologies. The recommendations have been revised for reporting categories for certain changes to an approved application that is in the July 2001 guidance based on the experience gained over the last decade. The draft guidance, when finalized, is intended to supersede the document of the same title dated July 2001, published in the **Federal Register** of August 7, 2001 (66 FR 41247).

The draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent FDA's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

The draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 601.12, Form FDA 2567, and Form FDA 356h have been approved under OMB control number 0910–0338; the collections of information in 21 CFR 607.21, 607.26, and Form FDA 2830 have been approved under OMB control number 0910–0052; the collections of information in 21 CFR 606.121, 606.170, and 610.40 have been approved under OMB control number 0910–0116; and the collections of information in 21 CFR 600.14 has been approved under OMB control number 0910–0458.

III. Comments

The draft guidance is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: May 24, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–12923 Filed 5–30–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0556]

New Approaches to Antibacterial Drug Development; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration's (FDA) Center for Drug Evaluation and Research (CDER) is seeking input from the public on the following topics related to antibacterial drug development: Potential new study designs, proposed priorities for CDER guidances, and strategies intended to slow the rate of emerging resistance to antibacterial drugs. The purpose of this notice is to request information and comments from the public on these areas of focus.

DATES: Submit either electronic or written comments by *July 30, 2013* at 5 p.m. EST.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Jonas Santiago, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–5346, FAX: 301–847–3529, email: *jonas.santiago@fda.hhs.gov*.

I. Background

Antibacterial drug development is critical to the public health and is an FDA priority. We recognize the mounting concern that antibacterial drug development has not kept pace with the increasing threat of drug-resistant and untreatable infections.

To address this concern, we are seeking to explore new clinical development paradigms for antibacterial drugs. Areas of ongoing need are numerous and include new drugs for treatment of hospital-acquired bacterial pneumonia, ventilator-associated bacterial pneumonia, complicated urinary tract infection, complicated intra-abdominal infection, and infections caused by drug-resistant organisms.

On September 24, 2012,[1] FDA announced the formation of the CDER Antibacterial Drug Development Task Force, which supports new antibacterial drug development. The task force is a multidisciplinary group of CDER scientists and clinicians seeking to identify priority areas and to develop and implement possible solutions to the challenges of antibacterial drug development. This includes the use of existing partnerships and collaborations to work with other experts in the field, including academia, industry, professional societies, patient advocacy groups, and Government Agencies. Specifically, the task force seeks to:

- Explore novel scientific approaches to facilitate antibacterial drug development (e.g., broader use of clinical pharmacology data, new statistical methods, innovative clinical trial designs, use of additional available data sources, and advancement of alternative measures to evaluate clinical effectiveness of potential new therapies);
- Identify issues related to unmet medical need for antibacterial drugs, including the reasons for the lack of a robust pipeline for antibacterial drug development;
- Identify new approaches for weighing risks, benefits, and uncertainties of potential new antibacterial drugs addressing unmet need; and
- Evaluate existing FDA guidances related to antibacterial drug development to determine if revision or elaboration is needed and identify areas where future guidance would be helpful.

II. Potential New Study Design Approaches

The task force explores novel scientific approaches to facilitate antibacterial drug development and is seeking input from the public on study design approaches with potential utility for future antibacterial drug development. Possible elements being considered include:

- Bayesian approaches;
- Adaptive approaches;
- Use of novel point of care diagnostics to avoid use of confounding therapies;
- Evaluating safety and efficacy by enrolling patients in trials with infections at any one of a number of different body sites;
- Large simple trials; and
- Accelerated approval using either a surrogate endpoint reasonably likely to predict clinical benefit or on a clinical endpoint that can be measured earlier than irreversible morbidity or mortality (IMM) that is reasonably likely to predict an effect on IMM or other clinical benefit.

To advance the development of antibacterial drugs, we seek input on the listed examples as well as additional ideas regarding the design, conduct, and analysis of clinical trials.

III. Guidance Development

The task force focuses on developing guidance to address issues related to development of new antibacterial drugs. Initial guidance efforts focused on community-acquired bacterial pneumonia, acute bacterial skin and skin structure infections, and antibacterial drugs for patients with limited or no alternative therapies (including development of drugs that have a limited spectrum of activity). As the task force works to prioritize areas of future draft and final guidance development, we seek input from the public on the following areas of priority as well as on additional areas for potential future guidance development:

[1] FDA's press release is available at *http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm320643.htm.*

- Complicated Urinary Tract Infection (draft issued February 23, 2012); [2]
- Uncomplicated Gonorrhea;
- Complicated Intra-Abdominal Infection (draft issued September 28, 2012); [3]
- Diabetic Foot Infection; and
- Hospital-Acquired and Ventilator-Associated Bacterial Pneumonia (draft issued November 26, 2010).[4]

IV. Emerging Resistance to Antibacterial Drugs

In addition to facilitating antibacterial drug development, the task force recognizes the need to address the issue of emerging drug resistance. The public health need caused by the lack of a robust pipeline is further compounded by the diminishing effectiveness of currently available antibacterial drugs due to emerging drug resistance. Therefore, we are seeking comment on strategies to preserve the utility of antibacterial drugs.

V. Categories for Public Comment

We request the following information from the public:

- Novel study designs to expedite the development of new antibacterial drugs;
- Comments on our prioritized list of proposed draft or final guidance development; and
- Potential strategies intended to slow the rate of emerging drug resistance.

When responding to this notice, please include the category or categories that your response addresses.

VI. Comments

Interested persons may submit either electronic comments to *http://www.regulations.gov* or written comments regarding this document to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. When responding, include the category or categories that your response addresses as listed in section V of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: May 24, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–12925 Filed 5–30–13; 8:45 am]

BILLING CODE 4160–01–P

[2] Complicated Urinary Tract Infection Draft Guidance available at *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM070981.pdf.*

[3] Complicated Intra-Abdominal Infection Draft Guidance available at *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM321390.pdf.*

[4] Hospital Acquired and Ventilator Associated Pneumonia Draft Guidance available at *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM234907.pdf.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Cancellation of Meeting

Notice is hereby given of the cancellation of the National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, June 13, 2013, 8:00 a.m. to June 13, 2013, 4:00 p.m., St. Gregory Hotel, 2033 M Street NW., Washington, DC, 20036 which was published in the **Federal Register** on April 10, 2013, 78 FR 21381.

This meeting is being cancelled due to a scheduling conflict.

Dated: May 24, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–12883 Filed 5–30–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cognition and Perception.

Date: June 19, 2013.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jane A Doussard-Roosevelt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, *doussarj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Societal and Ethical Issues in Research.

Date: June 20, 2013.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Agenda: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Lisa Steele, Ph.D., Scientific Review Officer, PSE IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, 301–594–6594, *steeleln@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 12–251: Review of B/START Applications.

Date: June 21, 2013.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jose H Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–12–018: NIH Director's Early Independence Awards Review.

Date: June 24–25, 2013.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: Weijia Ni, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 237–9918, *niw@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Therapeutic Approaches to Genetic Diseases Study Section.

Date: June 26, 2013.

Time: 8:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7804, Bethesda, MD 20892, 301–435–1779, *riverase@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Innovative Therapies and Tools for Screenable Disorders in Newborns.
Date: June 26, 2013.
Time: 2:30 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7804, Bethesda, MD 20892, 301–435–1779, *riverase@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Brain Disorders, Language, Communication, and Related Neurosciences.
Date: June 27–28, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Marriott-Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Vilen A Movsesyan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, *movsesyanv@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Biophysical, Physiological, Pharmacological and Bioengineering Neuroscience.
Date: June 27–28, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Joseph G Rudolph, Ph.D., Chief and Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, 301–408–9098, *josephru@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Healthcare Delivery and Methodologies.
Date: June 27, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites Hotel, 4300 Military Road, Washington, DC 20015.
Contact Person: Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–0684, *olufokunbisamd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Behavioral Neuroscience.
Date: June 27–28, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, DC 20036.
Contact Person: Kristin Kramer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5205, MSC 7846, Bethesda, MD 20892, (301) 437–0911, *kramerkm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biological Chemistry, Biophysics, and Drug Discovery.
Date: June 27–28, 2013.
Time: 8:00 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.
Contact Person: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Review of Neuroscience AREA Grant Applications.
Date: June 27, 2013.
Time: 8:00 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.
Contact Person: Richard D Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7850, Bethesda, MD 20892, 301–435–1220, *rc218u@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member conflicts: Pain and Hearing.
Date: June 27–28, 2013.
Time: 8:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cancer Diagnostics and Treatments (CDT).
Date: June 27–28, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Zhang-Zhi Hu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, (301) 594–2414, *huzhuang@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Brain Disorders in the Developing World Research Across the Lifespan.
Date: June 27–28, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.
Contact Person: Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259, *nadis@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Parasites.
Date: June 27–28, 2013.
Time: 9:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: ouad A El-Zaatari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3206, MSC 7808, Bethesda, MD 20892, (301) 435–1149, *elzaataf@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Obesity and Diabetes Clinical Research.
Date: June 27, 2013.
Time: 3:30 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Dianne Camp, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, 301–435–1044, *campdm@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Health Informatics.
Date: June 28, 2013.
Time: 8:30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Claire E Gutkin, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3106, MSC 7808, Bethesda, MD 20892, 301–594–3139, *gutkincl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 11–045: Outcome Measures For Use in Treatment Trials for Individuals With Intellectual and Developmental Disabilities (R01).
Date: June 28, 2013.
Time: 1:00 p.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.
Contact Person: Jane A Doussard-Roosevelt, Ph.D., Scientific Review Officer, Center for Scientific Review, National

Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, *doussarj@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 23, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–12880 Filed 5–30–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Advisory Board and NCI Board of Scientific Advisors, June 23, 2013, 05:00 p.m. to June 25, 2013, 12:00 p.m., National Institutes of Health, Building 31, C Wing, 6th Floor, 31 Center Drive, Conference Room 10, Bethesda, MD, 20892 which was published in the **Federal Register** on May 21, 2013, 78 FR 29758.

This notice is being amended to cancel the second day of the meeting on June 25, 2013, and to change the following open and closed session times. On June 24, 2013 the open session will be from 8:30 a.m. to 4:00 p.m. and the closed session will be from 4:00 p.m. to 5:15 p.m. The meeting was originally scheduled from 9:00 a.m. to 3:30 p.m. for the open session then 3:30 p.m. to 5:00 p.m. for the closed session. The meeting is partially closed to the public.

Dated: May 23, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–12881 Filed 5–30–13; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, DDK–D Member Conflict.

Date: June 19, 2013.

Time: 12:00 p.m. to 1:00 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: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Urologic Pain.

Date: July 25, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Churchill Hotel, 1914 Connecticut Avenue NW., Washington, DC 20009.

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@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: May 24, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–12882 Filed 5–30–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences (NIEHS); Notice of Meeting

Pursuant to the NIH Reform Act of 2006 (42 U.S.C. 281 (d)(4)), notice is hereby given that the National Institute of Environmental Health Sciences (NIEHS) Division of Extramural Research and Training (DERT) will host a webinar to enable public discussion of the Division's proposal to reorganize its extramural program. The proposal seeks to fully implement the NIEHS Strategic Plan within the Division.

Organizing Institute: National Institute of Environmental Health Sciences.

Dates and Times: June 6, 2013 from 12–1 p.m.

Place: This meeting will be conducted by webinar.

Agenda: A public discussion on the proposed reorganization plans for DERT/NIEHS.

Contact Person: Nicole Popovich, National Institute of Environmental Health Sciences, Division of Extramural Research and Training, PO Box 12233, MSC K3–13, Durham, NC 27560, *nicolepm@niehs.nih.gov,* 919–541–7725.

Members of the public wishing to participate must RSVP to *dertpublicmeeting@niehs.nih.gov* before June 6, 2013 to receive instructions for joining the webinar. Individuals with disabilities who need accommodation to participate in this event should contact Nicole Popovich.

Dated: May 22, 2013.

Joellen Austin,

Executive Officer, National Institute of Environmental Health Sciences, National Institutes of Health.

[FR Doc. 2013–12937 Filed 5–30–13; 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: SAMHSA Application for Peer Grant Reviewers (OMB No. 0930–0255)—Extension

Section 501(h) of the Public Health Service (PHS) Act (42 U.S.C. 290aa) directs the Administrator of the Substance Abuse and Mental Health Services Administration (SAMHSA) to establish such peer review groups as are needed to carry out the requirements of Title V of the PHS Act. SAMHSA

administers a large discretionary grants program under authorization of Title V, and, for many years, SAMHSA has funded grants to provide prevention and treatment services related to substance abuse and mental health.

In support of its grant peer review efforts, SAMHSA desires to continue to expand the number and types of reviewers it uses on these grant review committees. To accomplish that end, SAMHSA has determined that it is important to proactively seek the inclusion of new and qualified representatives on its peer review groups. Accordingly SAMHSA has developed an application form for use by individuals who wish to apply to serve as peer reviewers.

The application form has been developed to capture the essential information about the individual applicants. Although consideration was given to requesting a resume from interested individuals, it is essential to have specific information from all applicants about their qualifications. The most consistent method to accomplish this is through completion of a standard form by all interested persons which captures information about knowledge, education, and experience in a consistent manner from all interested applicants. SAMHSA will use the information provided on the applications to identify appropriate peer grant reviewers. Depending on their experience and qualifications, applicants may be invited to serve as either grant reviewers or review group chairpersons.

The following table shows the annual response burden estimate.

Number of respondents	Responses/ respondent	Burden/ responses (hours)	Total burden hours
500	1	1.5	750

Written comments and recommendations concerning the proposed information collection should be sent by July 1, 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. 2013–12935 Filed 5–30–13; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1320]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR Part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Alabama: Houston	City of Dothan (13–04–1756P).	The Honorable Mike Schmitz, Mayor, City of Dothan, P.O. Box 2128, Dothan, AL 36302.	Engineering Department, 126 North St. Andrews Street, Dothan, AL 36303.	*http://www.bakeraecom.com/index.php/alabama/houston/.*	July 8, 2013	010104
California:						
Los Angeles ...	City of Santa Clarita (13–09–0273P).	The Honorable Bob Kellar, Mayor, City of Santa Clarita, 23920 Valencia Boulevard, Santa Clarita, CA 91355.	Planning Department, 23920 Valencia Boulevard, Santa Clarita, CA 91355.	*http://www.r9map.org/Docs/13-09-0273P-060729-102DA.pdf.*	July 12, 2013	060729
Sacramento	City of Elk Grove (13–09–0772P).	The Honorable Gary Davis, Mayor, City of Elk Grove, 8401 Laguna Palms Way, Elk Grove, CA 95758.	Public Works Department, 8401 Laguna Palms Way, Elk Grove, CA 95758.	*http://www.r9map.org/Docs/13-09-0772P-060767-102IAC.pdf.*	July 8, 2013	060767
San Bernardino.	City of Rancho Cucamonga (13–09–0388P).	The Honorable L. Dennis Michael, Mayor, City of Rancho Cucamonga, 10500 Civic Center Drive, Rancho Cucamonga, CA 91730.	Engineering Department, 10500 Civic Center Drive, Rancho Cucamonga, CA 91730.	*http://www.r9map.org/Docs/13-09-0388P-060671-102DA.pdf.*	July 15, 2013	060671
Colorado:						
Arapahoe	City of Centennial (13–08–0282P).	The Honorable Cathy Noon, Mayor, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	Southeast Metro Stormwater Authority, 76 Inverness Drive East, Suite A, Englewood, CO 80112.	*http://www.bakeraecom.com/index.php/colorado/arapahoe/.*	June 28, 2013	080315
Boulder	City of Boulder (13–08–0187P).	The Honorable Matthew Appelbaum, Mayor, City of Boulder, P.O. Box 791, Boulder, CO 80306.	Municipal Building Plaza, 1777 Broadway Street, Boulder, CO 80302.	*http://www.bakeraecom.com/index.php/colorado/boulder/.*	July 12, 2013	080024
Douglas	Unincorporated areas of Douglas County (13–08–0255P).	The Honorable Jill Repella, Chair, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Public Works Department, Engineering Division, 100 3rd Street, Castle Rock, CO 80104.	*http://www.bakeraecom.com/index.php/colorado/douglas-2/.*	July 12, 2013	080049
El Paso	City of Colorado Springs (12–08–0531P).	The Honorable Steve Bach, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Colorado Springs, CO 80903.	Planning Commission, 30 South Nevada Avenue, Colorado Springs, CO 80903.	*http://www.bakeraecom.com/index.php/colorado/el-paso/.*	July 12, 2013	080060
El Paso	Unincorporated areas of El Paso County (12–08–0659P).	The Honorable Dennis Hisey, Chairman, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	Development Services Department, 2880 International Circle, Suite 110, Colorado Springs, CO 80910.	*http://www.bakeraecom.com/index.php/colorado/el-paso/.*	July 12, 2013	080059
Jefferson	Unincorporated areas of Jefferson County (13–08–0255P).	The Honorable Donald Rosier, Chairman, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Golden, CO 80419.	Jefferson County Department of Planning and Zoning, 100 Jefferson County Parkway, Golden, CO 80419.	*http://www.bakeraecom.com/index.php/colorado/jefferson-5/.*	July 12, 2013	080087
Routt	City of Steamboat Springs (13–08–0214P).	The Honorable Deb Hinsvark, Manager, City of Steamboat Springs, P.O. Box 775088, Steamboat Springs, CO 80477.	Centennial Hall, 124 10th Street, Steamboat Springs, CO 80477.	*http://www.bakeraecom.com/index.php/colorado/routt/.*	July 8, 2013	080159

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Summit	Town of Silverthorne (13–08–0262P).	The Honorable Dave Koop, Mayor, Town of Silverthorne, P.O. Box 1309, Silverthorne, CO 80498.	Planning Commission, 601 Center Circle, Silverthorne, CO 80498.	*http://www.bakeraecom.com/index.php/colorado/summit/.*	July 22, 2013	080201
Summit	Unincorporated areas of Summit County (13–08–0262P).	The Honorable Thomas C. Davidson, Chairman, Summit County Board of Commissioners, P.O. Box 68, Breckenridge, CO 80424.	Summit County, Planning Department, 0037 Peak One Drive, Frisco, CO 80443.	*http://www.bakeraecom.com/index.php/colorado/summit/.*	July 22, 2013	080290
Florida:						
Miami-Dade	City of Sunny Isles Beach (12–04–8176P).	The Honorable Norman S. Edelcup, Mayor, City of Sunny Isles Beach, 18070 Collins Avenue, Suite 250, Sunny Isles Beach, FL 33160.	Sunny Isles Beach Government Center, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	*http://www.bakeraecom.com/index.php/florida/miami-dade-2/.*	June 28, 2013	120688
Miami-Dade	Unincorporated areas of Miami-Dade County (12–04–5035P).	The Honorable Carlos A. Gimenez, Mayor, Miami-Dade County, Stephen P. Clark Center, 111 Northwest 1st Street, Miami, FL 33128.	Miami-Dade County Public Works and Waste Management Division, 701 Northwest 1st Court, Miami, FL 33136.	*http://www.bakeraecom.com/index.php/florida/miami-dade-2/.*	July 26, 2013	120635
Collier	City of Naples (13–04–1286P).	The Honorable John F. Sorey, III, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	City Hall, 735 8th Street South, Naples, FL 34102.	*http://www.bakeraecom.com/index.php/florida/collier/.*	June 24, 2013	125130
Duval	City of Jacksonville (12–04–6121P).	The Honorable Alvin Brown, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Development Services Division, 214 North Hogan Street, Suite 2100, Jacksonville, FL 32202.	*http://www.bakeraecom.com/index.php/florida/duval/.*	July 8, 2013	120077
Orange	City of Orlando (12–04–7200P).	The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32808.	Permitting Services Department, 400 South Orange Avenue, Orlando, FL 32801.	*http://www.bakeraecom.com/index.php/florida/orange-2/.*	July 5, 2013	120186
Orange	Unincorporated areas of Orange County (12–04–7200P).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	*http://www.bakeraecom.com/index.php/florida/orange-2/.*	July 5, 2013	120179
Georgia:						
Chatham	City of Pooler (12–04–3344P).	The Honorable Mike Lamb, Mayor, City of Pooler, 100 Southwest Highway 80, Pooler, GA 31322.	Public Works Department, 1095 South Rogers Street, Pooler, GA 31322.	*http://www.bakeraecom.com/index.php/georgia/chatham/.*	July 12, 2013	130261
Chatham	Unincorporated areas of Chatham County (12–04–3344P).	The Honorable Albert J. Scott, Chairman, Chatham County Board of Commissioners, P.O. Box 8161, Savannah, GA 31412.	Chatham County Emergency Management Agency, 124 Bull Street, Suite 200, Savannah, GA 31401.	*http://www.bakeraecom.com/index.php/georgia/chatham/.*	July 12, 2013	130030
Hawaii: Maui	Unincorporated areas of Maui County (12–09–2563P).	The Honorable Alan M. Arakawa, Mayor, Maui County, 200 South High Street, 9th Floor, Wailuku, HI 96793.	Maui County Planning Department, 250 South High Street, 2nd Floor, Wailuku, HI 96793.	*http://www.r9map.org/Docs/12-09-2563P-150003-102DA.pdf.*	July 8, 2013	150003
Kentucky:						
Hardin	City of Elizabethtown (12–04–3244P).	The Honorable Tim C. Walker, Mayor, City of Elizabethtown, P.O. Box 550, Elizabethtown, KY 42701.	City Hall, 200 West Dixie Avenue, 2nd Floor, Elizabethtown, KY 42701.	*http://www.bakeraecom.com/index.php/kentucky/hardin/.*	June 7, 2013	210095
Hardin	Unincorporated areas of Hardin County (12–04–3244P).	The Honorable Judge Harry L. Berry, Hardin County Judge/Executive, P.O. Box 568, Elizabethtown, KY 42701.	R. R. Thomas Building, 14 Public Square, Room 206, Elizabethtown, KY 42701.	*http://www.bakeraecom.com/index.php/kentucky/hardin/.*	June 7, 2013	210094
Kenton	City of Fort Wright (12–04–6732P).	The Honorable Joe Nienaber, Jr., Mayor, City of Fort Wright, 409 Kyles Lane, Fort Wright, KY 41011.	Planning Division, 409 Kyles Lane, Fort Wright, KY 41011.	*http://www.bakeraecom.com/index.php/kentucky/kenton/.*	July 15, 2013	210249
North Carolina:						
Cabarrus.	City of Kannapolis (11–04–5137P).	The Honorable Robert Misenheimer, Mayor, City of Kannapolis, 246 Oak Avenue, Kannapolis, NC 28081.	City Hall, 246 Oak Avenue, Kannapolis, NC 28081.	*http://www.ncfloodmaps.com/fhd.htm/.*	July 25, 2013	370469

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
South Carolina: Charleston.	Town of Mount Pleasant (13–04–1093P).	The Honorable Billy Swails, Mayor, Town of Mount Pleasant, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Legal Department, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	*http://www.bakeraecom.com/index.php/southcarolina/charleston-2/.*	July 12, 2013	455417
Tennessee: Sumner	City of Gallatin (12–04–4835P).	The Honorable Jo Ann Graves, Mayor, City of Gallatin, 132 West Main Street, Gallatin, TN 37066.	City Hall, 132 West Main Street, Gallatin, TN 37066.	*http://www.bakeraecom.com/index.php/tennessee/sumner/.*	July 18, 2013	470185
Utah:						
Salt Lake	City of Cottonwood Heights (12–08–0817P).	The Honorable Kelvyn Cullimore, Jr., Mayor, City of Cottonwood Heights, 1265 East Fort Union Boulevard, Cottonwood Heights, UT 84047.	City Hall, 1265 East Fort Union Boulevard, Cottonwood Heights, UT 84047.	*http://www.bakeraecom.com/index.php/utah/salt-lake/.*	July 8, 2013	490028
Salt Lake	City of Midvale (12–08–0817P).	The Honorable JoAnn B. Seghini, Mayor, City of Midvale, 655 West Center Street, Midvale, UT 84047.	Engineering Department, 655 West Center Street, Midvale, UT 84047.	*http://www.bakeraecom.com/index.php/utah/salt-lake/.*	July 8, 2013	490211
San Juan	City of Monticello (12–08–0884P).	The Honorable Douglas L. Allen, Mayor, City of Monticello, 17 North 100 East, Monticello, UT 84535.	Public Works Department, 17 North 100 East, Monticello, UT 84535.	*http://www.bakeraecom.com/index.php/utah/san-juan-2/.*	July 18, 2013	490212
Wyoming:						
Washakie	City of Worland (12–08–0535P).	The Honorable Dave Duffy, Mayor, City of Worland, P.O. Box 226, Worland, WY 82401.	Building and Zoning Department, 829 Big Horn Avenue, Worland, WY 82401.	*http://www.bakeraecom.com/index.php/wyoming/washakie/.*	July 1, 2013	560056
Washakie	Unincorporated areas of Washakie County (12–08–0535P).	The Honorable Aaron Anderson, Chairman, Washakie County Board of Commissioners, P.O. Box 260, Worland, WY 82401.	Washakie County Emergency Management Agency, 1001 Big Horn Avenue, Worland, WY 82401.	*http://www.bakeraecom.com/index.php/wyoming/washakie/.*	July 1, 2013	560089

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

Roy E. Wright,

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

[FR Doc. 2013–12921 Filed 5–30–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1318]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email)

Luis.Rodriguez3@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR Part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of map revision	Effective date of modification	Community No.
Arkansas: Garland.	City of Hot Springs (13–06–1387P).	The Honorable Ruth Carney, Mayor, City of Hot Springs, 133 Convention Boulevard, Hot Springs National Park, AR 71901.	City Hall Annex, 111 Opera Street, Hot Springs National Park, AR 71901.	*http://www.rampp-team.com/lomrs.htm.*	September 23, 2013	050084
New Jersey: Morris.	Township of Hanover (12–02–1077P).	The Honorable Ronald F. Francioli, Mayor, Township of Hanover, 1000 Route 10, Whippany, NJ 07981.	Hanover Township Engineering Department, 1000 Route 10, Whippany, NJ 07981.	*http://www.rampp-team.com/lomrs.htm.*	July 25, 2013	340343
Oklahoma:						
Tulsa	City of Sand Springs (12–06–3836P).	The Honorable Mike Burdge, Mayor, City of Sand Springs, P.O. Box 338, Sand Springs, OK 74063.	Public Works Building, 109 North Garfield Avenue, Sand Springs, OK 74063.	*http://www.rampp-team.com/lomrs.htm.*	July 19, 2013	400211
Tulsa	Unincorporated areas of Tulsa County (12–06–3836P).	The Honorable Karen Keith, Chairman, Tulsa County Board of Commissioners, 500 South Denver Avenue, Tulsa, OK 74103.	Tulsa County Annex Building, 633 West 3rd Street, Room 140, Tulsa, OK 74127.	*http://www.rampp-team.com/lomrs.htm.*	July 19, 2013	400462
Texas:						
Bexar	City of San Antonio (12–06–2419P).	The Honorable Julian Castro, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Municipal Plaza, 114 Commerce Street, 7th Floor, San Antonio, TX 78205.	*http://www.rampp-team.com/lomrs.htm.*	July 22, 2013	480045
Bexar	City of San Antonio (12–06–4141P).	The Honorable Julian Castro, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Municipal Plaza, 114 Commerce Street, 7th Floor, San Antonio, TX 78205.	*http://www.rampp-team.com/lomrs.htm.*	July 29, 2013	480045
Bexar	City of Universal City (12–06–3821P).	The Honorable John Williams, Mayor, City of Universal City, 2150 Universal City Boulevard, Universal City, TX 78148.	City Hall, 2150 Universal City Boulevard, Universal City, TX 78148.	*http://www.rampp-team.com/lomrs.htm.*	July 15, 2013	480049
Bexar	Unincorporated areas of Bexar County (13–06–0666P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78207.	*http://www.rampp-team.com/lomrs.htm.*	July 17, 2013	480035
Cameron	Town of South Padre Island (12–06–3922P).	The Honorable Robert N. Pinkerton, Jr., Mayor, Town of South Padre Island, 4601 Padre Boulevard, South Padre Island, TX 78597.	4601 Padre Boulevard, South Padre Island, TX 78597.	*http://www.rampp-team.com/lomrs.htm.*	July 26, 2013	480115
Parker	City of Springtown (13–06–0392P).	The Honorable Doug Hughes, Mayor, City of Springtown, 102 East 2nd Street, Springtown, TX 76082.	102 East 2nd Street, Springtown, TX 76082.	*http://www.rampp-team.com/lomrs.htm.*	July 25, 2013	480521

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of map revision	Effective date of modification	Community No.
Parker	Unincorporated areas of Parker County (13–06–0392P).	The Honorable Mark Riley, Parker County Judge, 1 Courthouse Square, Weatherford, TX 76086.	Parker County Courthouse, 1 Courthouse Square, Weatherford, TX 76086.	*http://www.rampp-team.com/lomrs.htm.*	July 25, 2013	480520

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

Roy E. Wright,

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

[FR Doc. 2013–12920 Filed 5–30–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of October 16, 2013 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Adminstrator for Mitigation has resolved any appeals resulting from this notification.

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

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

Community	Community map repository address
Washington County, Rhode Island (All Jurisdictions) Docket No.: FEMA–B–1255	
Town of Charlestown	Town Hall, Planning Office, 4540 South County Trail, Charlestown, RI 02813.
Town of Narragansett	Town Hall, Engineering Department, 25 5th Avenue, Narragansett, RI 02882.
Town of New Shoreham	New Shoreham Town Hall, 16 Old Town Road, Block Island, RI 02807.
Town of North Kingstown	Department of Public Works and Engineering, 2050 Davisville Road, North Kingstown, RI 02852.
Town of South Kingstown	Town Hall, 180 High Street, Wakefield, RI 02879.
Town of Westerly	Town Hall, 45 Broad Street, Westerly, RI 02891.
Lincoln County, West Virginia, and Incorporated Areas Docket No.: FEMA–B–1256	
Town of Hamlin	Town Hall, 220–1 Main Street, Hamlin, WV 25523.
Town of West Hamlin	Town Hall, 6649 Guyan Street, West Hamlin, WV 25571.
Unincorporated Areas of Lincoln County	Lincoln County Courthouse, 497 Court Avenue, Hamlin, WV 25523.

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

Roy E. Wright,

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

[FR Doc. 2013–12918 Filed 5–30–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of October 2, 2013 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Adminstrator for Mitigation has resolved any appeals resulting from this notification.

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

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

I. Non-watershed-based studies:

Community	Community map repository address
Garrett County, Maryland, and Incorporated Areas Docket No.: FEMA–B–1247	
Town of Accident	Town Hall, 104 South North Street, Accident, MD 21520.
Town of Deer Park	Town Hall, 100 Church Street, Deer Park, MD 21550.
Town of Friendsville	Town Hall, 313 Chestnut Street, Friendsville, MD 21531.
Town of Grantsville	Town Hall, 171 Hill Street, Grantsville, MD 21536.
Town of Kitzmiller	Town Hall, 104 West Centre Street, Kitzmiller, MD 21538.
Town of Loch Lynn Heights	Town Hall, 211 Bonnie Boulevard, Loch Lynn Heights, MD 21550.
Town of Mountain Lake Park	Town Hall, 1007 Allegany Drive, Mountain Lake Park, MD 21550.
Town of Oakland	Town Hall, 15 South 3rd Street, Oakland, MD 21550.
Unincorporated Areas of Garrett County	Garrett County Permits and Inspections Division, 2008 Maryland Highway, Suite 3, Mountain Lake Park, MD 21550.

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

Roy E. Wright,

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

[FR Doc. 2013–12917 Filed 5–30–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1309]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and

where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before August 29, 2013.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1309, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov*.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html*.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf*.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Community	Community map repository address
San Bernardino, California, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.r9map.org/Pages/ProjectDetailsPage.aspx?choLoco=36&choProj=439*	
City of Fontana	City Hall, Engineering Department, 8353 Sierra Avenue, Fontana, CA 92335.
City of Ontario	City Hall, Engineering Department Public Counter, 303 East B Street, Ontario, CA 91764.
City of Rancho Cucamonga	City Hall, Engineering Department Plaza Level, 10500 Civic Center Drive, Rancho Cucamonga, CA 91730.
Unincorporated Areas of San Bernardino County	Public Works Department, Water Resources Department, 825 East Third Street, San Bernardino, CA 92415.
Lincoln County, New Mexico, and Incorporated Areas	
Maps Available for Inspection Online at: *http://riskmap6.com/Community.aspx?cid=154&sid=3*	
City of Ruidoso Downs	City Hall, 123 Downs Drive, Ruidoso Downs, NM 88346.
Unincorporated Areas of Lincoln County	Lincoln County Floodplain Manager's Office, 115 Kansas City Road, Ruidoso, NM 88345.

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

Roy E. Wright,

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

[FR Doc. 2013–12919 Filed 5–30–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of August 10, 2012.

DATES: *Effective Dates:* The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on August 10, 2012. The next triennial inspection date will be scheduled for August 2015.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, Road 127 Km 19.1, Tallaboa-Penuelas, PR 00624, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.*

Dated: May 20, 2013.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2013–12871 Filed 5–30–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5687–N–25]

Notice of Proposed Information Collection: Comment Request; Condominium Project Approval Document Collection

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. HUD is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* July 30, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, Room 9120 or the number for the Federal Information Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Karin B. Hill, Director, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–2121 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: HUD is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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; (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 the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Condominium Project Approval Document Collection.

OMB Control Number, if applicable: 2502–New.

Description of the need for the information and proposed use: The Housing and Economic Recovery Act of 2008 (HERA) moves the insurance of a single unit condominium from Section 234 to Section 203 of the National Housing Act (NHA). This change requires that HUD establish new regulations for condominium project and unit approval. To approve a project and/or insure a unit within an FHA-approved project, certain documentation and data are required for review and approval or denial. Currently, a collection specific to condominium project and unit approval does not exist. Therefore, establishment of a specific collection item is appropriate. Further, the information collected will be used for performance, risk, trend and other analyses.

Agency form numbers, if applicable: HUD–92541; HUD–935.2; HUD–93201; HUD–92544.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of burden hours is 45,000. The number of respondents is 30,000, the number of responses is 15,000, the frequency of response is on occasion, and the burden hour per response is 3.

Status of the proposed information collection: This is a new collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: May 23, 2013.

Laura M. Marin,

Acting General Deputy Assistant Secretary for Housing-Acting General Deputy, Federal Housing Commissioner.

[FR Doc. 2013–12933 Filed 5–30–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5681–N–22]

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, and 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, Office of Enterprise Support Programs, Program Support Center, HHS, Room 12–07, 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: 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; (These are not toll-free numbers).

Dated: May 23, 2013.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 05/31/2013

Suitable/Available Properties

Building

Nebraska

Former Omaha Qtrs. Depot
2101 Woolworth Ave.
Omaha NE 68108
Landholding Agency: GSA
Property Number: 54201310005
Status: Surplus
GSA Number: 7–D–NE–0530
Directions: Office #1: 14,520 sf.; office #2: 38,870 sf.; office #3: 11,000 sf.; office #4: 986 sf.; storage: 7,488 sf.; office #5: 12,250 sf.; office #6: 3,720 sf.; Two Gatehouses: 507 sf. each
Comments: 9 Bldgs. sits on 7.25 acres; Admin/Office; 12 mons. vacant; to access coordinate w/88th Army Reserve Command out of Ft. McCoy, WI

New Jersey

Portion of Former Sievers-Sandberg US Army Reserves Center—Tract 1
NW Side of Artillery Ave. at Rte. 130
Oldmans NJ 08067
Landholding Agency: GSA
Property Number: 54201320015
Status: Surplus
GSA Number: 1–D–NJ–0662–AA
Directions: Previously reported under 54200740005 as suitable/available; 16 bldgs. usage varies: barracks/med./warehouses/garages; property is being parceled.
Comments: 87,011 sf.; 10+ yrs. vacant fair/poor conditions; property may be landlocked; transferee may need to request access from Oldmans Township planning & zoning comm.; contact GSA for more info.

New York

Building 606
1 Amsterdam Rd.
Scotia NY 12301
Landholding Agency: GSA
Property Number: 54201310009
Status: Surplus
GSA Number: NY–0975
Directions: Previously reported by Navy w/assigned property number 7720120019
Comments: 137,409 sf.; Navy Exchange, supermarket, & storage; 24 mons. vacant;

mold, asbestos, & lead-based paint, significant renovations needed

Portion of GSA Binghamton
''Hillcrest'' Depot—Tract 2
1151 Hoyt Avenue
Fenton NY 13901
Landholding Agency: GSA
Property Number: 54201320008
Status: Surplus
GSA Number: 1–G–NY0670–AD
Directions: Previously report on March 24, 2006 under 5420010016; include 40 acres of land w/5 buildings.
Comments: Warehouses: Ranges 129,000–200,249 total sf; old admin. bldg: 42,890 sf; pump house: 166.5 sf; fair to very poor conditions; contact GSA for more info.

Portion of GSA Binghamton
''Hillcrest'' Depot—Tract 1
1151 Hoyt Ave.
Fenton NY 13901
Landholding Agency: GSA
Property Number: 54201320017
Status: Surplus
GSA Number: 1–G–NY0670–AC
Directions: Previously reported on March 24, 2006 under 54200610016; this property includes 40 acres of land w/6 structures; property is being parceled
Comments: Warehouses range from approx. 16,347 sf.–172,830 sf.; admin. bldg. approx. 5,700 sf; guard house & butler bldg. sf. is unknown; 10 vacant; fair conditions; bldgs. locked; entry by appt. w/GSA

Land

Florida

RCLT Transmitter Site
7439 SW 39th St.
Davie FL
Landholding Agency: GSA
Property Number: 54201320009
Status: Surplus
GSA Number: 4–U–FL–1258AA
Directions: Note: landholding agency is FAA; disposal agency is GSA
Comments: 1.75 acres; equipment storage; contact GSA for more information

Suitable/Unavailable Properties

Building

Alaska

3 Buildings
Barrow Magnetic Observatory
Barrow AK 99723
Landholding Agency: GSA
Property Number: 54201240011
Status: Excess
GSA Number: 9AK–I–0842
Directions: STORAGE: 309 sf.; SENSOR BLDG.: 225 sf.; ABSOLUTE BLDG.: 166 sf
Comments: Off-site removal only; total sf. 700; good to poor conditions; major renovations needed to make bldgs. ideal to occupy; lead/asbestos; contact GSA for more info. on accessibility/removal

Arkansas

Winnesburg Radio Station
SW Side of State Hwy 18 & County Rd.
Cash AR 72421
Landholding Agency: GSA
Property Number: 54201230013
Status: Excess
GSA Number: 7–B–AR–0577
Comments: 9′8″ x15′5″; storage/office; fair conditions; need repairs

California

Drill Site #26
null
Ford City CA 93268
Landholding Agency: GSA
Property Number: 54201040011
Status: Surplus
GSA Number: 9–B–CA–1673–AA
Comments: 2.07 acres, mineral rights, utility easements

District of Columbia

West Heating Plant
1051 29th St. NW
Washington DC 20007
Landholding Agency: GSA
Property Number: 54201140006
Status: Surplus
GSA Number: DC–497–1
Comments: REDETERMINATION: 1.97 acres; current use: industry; transferee is required to remediate significant contaminants which includes arsenic, PCBs, and benzo (a) pyrene

Georgia

5 Acres
Former CB7 Radio Communication
Townsend GA 31331
Landholding Agency: GSA
Property Number: 54201210008
Status: Excess
GSA Number: 4–U–GA–885AA
Comments: 5.0 acres; current use: unknown; property located in 100 yr. floodplain-not in floodway and no impact in using property; contact GSA for more details

Iowa

NRCS–USDA Unit
1820 E. Euclid Ave.
Des Moines IA 50313
Landholding Agency: GSA
Property Number: 54201240004
Status: Excess
GSA Number: 7–A–IA–0511–AA
Directions: Includes 2 Bldgs.; masonry 2,048 sf. +/−, frame 5,513 sf. +/−
Comments: Bldgs. sits on .83 acres; fair conditions; equipment & material storage; driveway access easement w/adjacent property owner

Maine

Columbia falls Radar Site
Tibbetstown Road
Columbia Falls ME 04623
Landholding Agency: GSA
Property Number: 54201140001
Status: Excess
GSA Number: 1–D–ME–0687
Directions: Buildings 1, 2, 3, and 4
Comments: Four bldgs. totaling 20,375 sq.; each one-story; current use: varies among properties

Maryland

Appraisers Store
null
Baltimore MD 21202
Landholding Agency: GSA
Property Number: 54201030016
Status: Excess
GSA Number: 4–G–MD–0623
Comments: Redetermination: 169,801 sq. ft., most recent use—federal offices, listed in the Natl Register of Historic Places, use restrictions

Consumer Products Safety Commi
10901 Darenestown Rd.
Gaithersburg MD 20878
Landholding Agency: GSA
Property Number: 54201220004
Status: Surplus
GSA Number: NCR–G–MR–1107–01
Directions: Property includes building and land
Comments: 37,543 sf.; office/warehouse space; secured area; however, will not interfere w/conveyance; contact GSA for further details

Michigan

Natl Weather Svc Ofc
214 West 14th Ave.
Sault Ste. Marie MI
Landholding Agency: GSA
Property Number: 54200120010
Status: Excess
GSA Number: 1–C–MI–802
Comments: Previously unavailable; however, the property is 'available' as a facility to assist the homes; 2230 sq. ft., presence of asbestos, most recent use—office

Minnesota

Noyes Land Port of Entry
SW Side of US Rte. 75
Noyes MN 56740
Landholding Agency: GSA
Property Number: 54201230007
Status: Excess
GSA Number: 1–G–MN–0593
Directions: One main bldg.; one storage; approx. 16,000 and 900 sf. respectively
Comments: Sits on 2.29 acres; approx. 17,000 sf. total of bldg. space; office/governmental

Missouri

Nat'l Personnel Records Center
111 Winnebago
St. Louis MO 63118
Landholding Agency: GSA
Property Number: 54201220009
Status: Excess
GSA Number: 7–G–MO–0684
Comments: 440,000 +/− sf.; two floors; storage; asbestos, lead, & high level of radon; needs remediation

Montana

James F. Battin & Courthouse
316 North 26th Street
Billings MT 59101
Landholding Agency: GSA
Property Number: 54201210005
Status: Excess
GSA Number: 7–G–MT–0621–AB
Comments: 116,865 sf.; current use: office; extensive asbestos contamination; needs remediation

Nevada

Alan Bible Federal Bldg.
600 S. Las Vegas Blvd.
Las Vegas NV 89101
Landholding Agency: GSA
Property Number: 54201210009
Status: Excess
GSA Number: 9–G–NV–565
Comments: 81,247 sf.; current use: federal bldg.; extensive structural issues; needs major repairs; contact GSA for further details

2 Buildings
Military Circle
Tonopah NV
Landholding Agency: GSA
Property Number: 54201240012
Status: Surplus
GSA Number: 9–I–NV–514–AK
Directions: Bldg. 102: 2,508 sf.; bldg. 103: 2,880 sf.
Comments: Total sf. for both bldgs. 5,388; Admin.; vacant since 1998; sits on 0.747 acres; fair conditions; lead/asbestos present

New Jersey

Camp Petricktown Sup. Facility
US Route 130
Pedricktown NJ 08067
Landholding Agency: GSA
Property Number: 54200740005
Status: Excess
GSA Number: 1–D–NJ–0662
Comments: 21 bldgs., need rehab, most recent use—barracks/mess hall/garages/quarters/admin., may be issues w/right of entry, utilities privately controlled, contaminants

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: 7,183 sf.; office; vacant since March 2012

North Carolina

Greenville Site
10000 Cherry Run Rd.
Greenville NC 27834
Landholding Agency: GSA
Property Number: 54201210002
Status: Surplus
GSA Number: 4–2–NC–0753
Comments: 49,300 sq. ft.; current use: transmitter bldg.; possible PCB contamination; not available—existing Federal need

Ohio

Oxford USAR Facility
6557 Todd Road
Oxford OH 45056
Landholding Agency: GSA
Property Number: 54201010007
Status: Excess
GSA Number: 1–D–OH–833
Comments: Office bldg./mess hall/barracks/simulator bldg./small support bldgs., structures range from good to needing major rehab

Ohio

LTC Dwite Schaffner
U. S. Army Reserve Center
1011 Gorge Blvd.
Akron OH 44310
Landholding Agency: GSA
Property Number: 54201120006
Status: Excess
GSA Number: 1–D–OH–836
Comments: 25,039 sq. ft., most recent use: Office; in good condition

Oregon

3 Bldgs/Land
OTHR–B Radar
Cty Rd 514
Christmas Valley OR 97641
Landholding Agency: GSA
Property Number: 54200840003
Status: Excess
GSA Number: 9–D–OR–0768
Comments: 14000 sq. ft. each/2626 acres, most recent use—radar site, right-of-way

Oregon

Triangle Lake Bldgs.
22650 Mapleton-Junction City Hwy
Cheshire OR 97419
Landholding Agency: GSA
Property Number: 54201240015
Status: Excess
GSA Number: 9–I–OR–0801
Directions: Fuel pump bldg.: 220 sf.; vehicle maint. bldg.: 1,526 sf.
Comments: Off-site removal only; vacant for 180 mons. or 15 yrs.; conditions unknown

Pennsylvania

Old Marienville Compound
110 South Forest St.
Marienville PA 16239
Landholding Agency: GSA
Property Number: 54201230001
Status: Excess
GSA Number: 4–A–PA–808AD
Directions: 10 bldgs.; wood farm duplex; office/garage; pole bard; shop; (2) wood sheds; block shed; trailer; carport; toilet bldg.
Comments: Sq. ft. for ea. bldg. on property varies; contact GSA for specific sq. ft.; Forest Service Admin. complex; mold and lead identified; historic property

South Carolina

Former US Vegetable Lab
2875 Savannah Hwy
Charleston SC 29414
Landholding Agency: GSA
Property Number: 54201310001
Status: Excess
GSA Number: 4–A–SC–0609AA
Directions: Headhouse w/3 greenhouses, storage bins
Comments: 6,400 sf.; lab; 11 yrs. vacant; w/in 100 yr. floodplain/floodway; however is contained; asbestos & lead based paint

Texas

Veterans Post Office
1300 Matamoros St.
Laredo TX 78040
Landholding Agency: GSA
Property Number: 54201240001
Status: Excess
GSA Number: 7–G–TX–1055–AA
Comments: CORRECTION: Approximately 57,380 sf; sits on 1.2 acres; office; 105 yrs-old; historic preservation restrictions on bldg. & ground
Former Navy & Marine Corps Res
5301 Ave. South
Galveston TX 77551
Landholding Agency: GSA
Property Number: 54201240013
Status: Surplus
GSA Number: 7–D–TX–0549–9
Comments: 17,319 sf.; sits on 2.63 acres; Admin. office; fair conditions; eligible for Nat'l Register Historic Places; asbestos; access by appt. w/USACE

Washington

Log House
281 Fish Hatchery Rd.
Quilcene WA 98376
Landholding Agency: GSA
Property Number: 54201220006
Status: Excess
GSA Number: 9–I–WA–1260
Comments: Off-site removal only; 3,385 sf.; residential/office

Wisconsin

Wausau Army Reserve Ctr.
1300 Sherman St.
Wausau WI 54401
Landholding Agency: GSA
Property Number: 54201210004
Status: Excess
GSA Number: 1–D–WI–610
Comments: Bldg. 12,680 sq. ft.; garage 2,676 sq. ft.; current use: vacant; possible asbestos; remediation may be required; subjected to existing easements; Contact GSA for more detail

Land

Arizona

Land
95th Ave/Bethany Home Rd
Glendale AZ 85306
Landholding Agency: GSA
Property Number: 54201010014
Status: Surplus
GSA Number: 9–AZ–852
Comments: 0.29 acre, most recent use—irrigation canal

0.30 acre
Bethany Home Road
Glendale AZ 85306
Landholding Agency: GSA
Property Number: 54201030010
Status: Excess
GSA Number: 9–I–AZ–0859
Comments: 10 feet wide access road

California

Drill Site #3A
null
Ford City CA 93268
Landholding Agency: GSA
Property Number: 54201040004
Status: Surplus
GSA Number: 9–B–CA–1673–AG
Comments: 2.07 acres, mineral rights, utility easements

Drill Site #4
null
Ford City CA 93268
Landholding Agency: GSA
Property Number: 54201040005
Status: Surplus
GSA Number: 9–B–CA–1673–AB
Comments: 2.21 acres, mineral rights, utility easements

Drill Site #6
null
Ford City CA 93268
Landholding Agency: GSA
Property Number: 54201040006
Status: Surplus
GSA Number: 9–B–CA–1673–AC
Comments: 2.13 acres, mineral rights, utility easements

Drill Site #9
null
Ford City CA 93268
Landholding Agency: GSA
Property Number: 54201040007

Status: Surplus
GSA Number: 9–B–CA–1673–AH
Comments: 2.07 acres, mineral rights, utility easements

Drill Site #20
null
Ford City CA 93268
Landholding Agency: GSA
Property Number: 54201040008
Status: Surplus
GSA Number: 9–B–CA–1673–AD
Comments: 2.07 acres, mineral rights, utility easements

Seal Beach RR Right of Way
West 19th Street
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201140015
Status: Surplus
GSA Number: 9–N–CA–1508–AF
Comments: 8,036.82 sq. ft.; current use: vacant lot

Seal Beach RR Right of Way
East 17th Street
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201140016
Status: Surplus
GSA Number: 9–N–CA–1508–AB
Comments: 9,713.88 sq. ft.; current use: private home

Seal Beach RR Right of Way
East of 16th Street
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201140017
Status: Surplus
GSA Number: 9–N–CA–1508–AG
Comments: 6,834.56 sq. ft.; current use: vacant

Seal Beach RR Right of Way
West of Seal Beach Blvd.
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201140018
Status: Surplus
GSA Number: 9–N–CA–1508–AA
Comments: 10,493.60 sq. ft.; current use: vacant lot

Seal Beach RR Right of Way
Seal Beach
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201210006
Status: Surplus
GSA Number: 9–N–CA–1508–AH
Comments: 4,721.90 sf.; current use: vacant lot between residential bldg.

Seal Beach RR Right of Way
Seal Beach
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201210007
Status: Surplus
GSA Number: 9–N–CA–1508–AJ
Comments: 6,028.70 sf.; current use: vacant lot between residential bldgs.

Hydro Electric Power Plant
1402 San Rogue Rd.
Santa Barbara CA 93105
Landholding Agency: GSA
Property Number: 54201240009
Status: Excess
GSA Number: 9–I–CA–1693
Comments: .0997 acres; behind secured gate for Lauro Dame & Reservoir; will impact conveyance; contact GSA for more details

Georgia

Former GNK Outer Marker
Hunt Rd.
LaGrange GA 31909
Landholding Agency: GSA
Property Number: 54201310008
Status: Excess
GSA Number: 4–U–GU–88AA
Comments: 0.918 acres

Kansas

1.64 Acres
Wichita Automated Flight Service
Anthony KS 67003
Landholding Agency: GSA
Property Number: 54201230002
Status: Excess
GSA Number: 7–U–KS–0526
Comments: Agricultural surroundings; remedial action has been taken for asbestos removal

Massachusetts

FAA Site
Massasoit Bridge Rd.
Nantucket MA 02554
Landholding Agency: GSA
Property Number: 54200830026
Status: Surplus
GSA Number: MA–0895
Comments: Approx. 92 acres, entire parcel within MA Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program

Michigan

FAA Outer Marker
Ash Rd. East of Clark Rd.
New Boston MI 48164
Landholding Agency: GSA
Property Number: 54201230009
Status: Excess
GSA Number: 1–U–MI–0840
Comments: .24 acres; located in a rural area; neighboring farm fields

FAA Outer Marker
N. Side of Avondale St., W. of Tobin Dr.
Inkster MI 48141
Landholding Agency: GSA
Property Number: 54201230010
Status: Excess
GSA Number: 1–U–MI–0841
Comments: .55 acres; located in a residential area; flat & glassy; public park located north of property

Nevada

RBG Water Project Site
Bureau of Reclamation
Henderson NV 89011
Landholding Agency: GSA
Property Number: 54201140004
Status: Surplus
GSA Number: 9–I–AZ–0562
Comments: Water easement (will not impact conveyance); 22+/− acres; current use: water sludge disposal site; lead from shotgun shells on <1 acre.

Oregon

BOR Land
Hyatt Lake Safe Property
Hyatt Reservoir Area
Ashland OR
Landholding Agency: GSA
Property Number: 61201240011
Status: Surplus
GSA Number: 9–I–OR–0799
Comments: 3.5 acres +/−; timberland; practical access along eastern side; remote mountain property; winter seasons access can be very difficult

Pennsylvania

Approx. 16.88
271 Sterrettania Rd.
Erie PA 16506
Landholding Agency: GSA
Property Number: 54200820011
Status: Surplus
GSA Number: 4–D–PA–0810
Comments: Vacant land

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

Tennessee

Fort Campbell Army Garrison
U.S. Hwy 79
Woodlawn TN 37191
Landholding Agency: GSA
Property Number: 54201240010
Status: Excess
GSA Number: 4–D–TN–586–2
Comments: 8 parcels; 3.41 to 13.90 acres; agricultural; adjacent to Ft. Campbell-U.S. Army Garrison; parcel 7 identified as wetlands; contact GSA for more details on specific property

Utah

BLM Kanab Field Office
318 N. 100 East
Kanab UT 84741
Landholding Agency: GSA
Property Number: 54201230012
Status: Surplus
GSA Number: 7–I–UT–0528
Directions: Includes 6,192 sf. office bldg.; 4,800 sf. warehouse; 1,120 sf. storage/shed on property
Comments: 2.8 acre w/three bldgs.; access to property by appt. only; friable asbestos; remediation needed

Washington

1.8 Ac. of the Richland FB N.
Parking Lot
825 Jadwin Ave.
Richland WA 99723
Landholding Agency: GSA
Property Number: 54201310002
Status: Excess
GSA Number: 9–G–WA–1263
Comments: 1.8; parking lot

Unsuitable Properties

Building

Virginia

Cafe Building
16 West Taylor Street

Hampton VA 23681
Landholding Agency: NASA
Property Number: 71201320002
Status: Excess
Comments: Located w/in secured area; public access denied & no alter. w/out compromising nat'l sec.
Reasons: Secured Area

[FR Doc. 2013–12758 Filed 5–30–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2013–N127; FXES11130300000F3–234–FF03E00000]

Endangered and Threatened Wildlife and Plants; Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (USFWS), invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act requires that we invite public comment before issuing these permits.

DATES: We must receive any written comments on or before July 1, 2013.

ADDRESSES: Send written comments by U.S. mail to the Regional Director, Attn: Lisa Mandell, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; or by electronic mail to *permitsR3ES@fws.gov*.

FOR FURTHER INFORMATION CONTACT: Lisa Mandell, (612) 713–5343.

SUPPLEMENTARY INFORMATION:

Background

We invite public comment on the following permit applications for certain activities with endangered species authorized by section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*) and our regulations governing the taking of endangered species in the Code of Federal Regulations (CFR) at 50 CFR part 17. Submit your written data, comments, or request for a copy of the complete application to the address shown in **ADDRESSES**.

Permit Applications

Permit Application Number: TE06873B.
Applicant: Drew R. Carson, Cincinnati, OH.

The applicant requests a permit to take (capture and release) Indiana bats (*Myotis sodalis*) and Gray bats (*Myotis grisescens*) throughout the range of the species in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, and Tennessee. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE07292B.
Applicant: Matthew J. Clement, U.S. Geological Survey, Laurel, MD.

The applicant requests a permit to take (capture and release) Indiana bats and gray bats within the States of Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE07293B.
Applicant: Daniel J. Call, Dubuque, IA.

The applicant requests a permit to take (capture and release) Higgins eye pearlymussel (*Lampsilis higginsii*), winged mapleleaf mussel (*Quadrula fragosa*), fat pocketbook (*Potamilus capax*), Scaleshell (*Leptodea leptodon*), Sheepnose (*Plethobasus cyphyus*), and Spectaclecase (*Cumberlandia monodonta*) within the Upper Mississippi River, Pool 12 (Illinois). The proposed activity is for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE07294B.
Applicant: Ecological Specialties, LLC, Symsonia, KY.

The applicant requests a permit to take (capture and release) Indiana bats, gray bats, Virginia big-eared bats (*Corynorhinus townsendii virginianus*), Ozark big-eared bats (*Corynorhinus townsendii ingens*), Mexican long-nosed bat (*Leptonycteris nivalis*), and Sanborn's long-nosed bat (*Leptonycteris sanborni (=yerbabuenae)*) throughout the States of Alabama, Arkansas, California, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Tennessee, Texas, Virginia, and West Virginia. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE07295B.
Applicant: Blue Creek Wind Farm, LLC, Van Wert, OH.

The applicant requests a permit to take (harm, harass, kill) Indiana bats in Paulding and Van Wert Counties, Ohio. Proposed activities include a research study of methods to reduce bat fatality rates and a study of the meteorological conditions associated with casualty rates at the Blue Creek Wind Farm. Proposed activities are aimed at conservation of the species through reduction of impacts at wind energy facilities.

Public Comments

We seek public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive are available for public inspection, by appointment, during normal business hours at the address shown in the **ADDRESSES** section. 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: May 24, 2013.

Lynn M. Lewis,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2013–12895 Filed 5–30–13; 8:45 a.m.]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–MB–2012–N056; FF09M21200–134–FXMB1231099BPP0]

Final Supplemental Environmental Impact Statement on the Issuance of Annual Regulations Permitting the Hunting of Migratory Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) has prepared a final supplemental environmental impact statement (SEIS) for the issuance of annual regulations permitting the hunting of migratory birds. We published a draft environmental impact statement in July 2010. We considered over 280 public comments in revising the document. The SEIS analyzes a range of management alternatives for addressing the hunting of migratory birds. The analysis provided in the final SEIS is intended to: inform the public of the proposed action and alternatives; address public comments we received on the draft SEIS; and disclose the

direct, indirect, and cumulative environmental effects of the proposed action and each of the alternatives.

DATES: The public inspection period for the final SEIS will last 30 days and will end on July 1, 2013.

ADDRESSES: You may inspect comments during normal business hours at the office of the Pacific Flyway Representative, 911 NE 11th Ave., Portland, OR 97232. The final SEIS is available by either writing to the street address indicated above or by viewing it on our Web site at *http://www.fws.gov/migratorybirds.*

FOR FURTHER INFORMATION CONTACT: Robert Trost, Pacific Flyway Representative, Division of Migratory Bird Management, (503) 231–6162; or Brad Bortner, Chief, Division of Migratory Bird Management, (703) 358–1714.

SUPPLEMENTARY INFORMATION: On September 8, 2005, and again on March 9, 2006, the Service published notice in the **Federal Register** (70 FR 53376 and 71 FR 12216, respectively) announcing that we intended to prepare a supplemental environmental impact statement for the issuance of annual regulations permitting the hunting of migratory birds. In those notices, we invited public comments on the scope and substance of the SEIS, particular issues the SEIS should address and why, and options or alternatives we should consider. Please refer to the notices (70 FR 53376 and 71 FR 12216) for further information about our regulatory process pertaining to the hunting of migratory birds.

We received public comments on the notices, considered those comments, and developed a draft SEIS that we made available in a July 9, 2010, **Federal Register** notice (75 FR 39577) in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), its implementing regulations (40 CFR parts 1500 to 1508), and Service procedures for compliance with those regulations.

The final SEIS evaluates seven components of the proposed action regarding how we establish the annual regulations for the hunting of migratory birds. The first six components deal with the fall-winter hunting season and include:

(1) *Schedule and timing of the general regulatory process.* Promulgation of annual hunting regulations relies on a well-defined process of monitoring, data collection, and scientific assessment. At key points during that process, Flyway Technical Committees, Flyway Councils, and the public review and provide valuable input on technical assessments or other documents related to proposed regulatory frameworks. After we adopt final regulatory frameworks, each State selects its seasons, usually following its own schedule of public hearings and other deliberations. After State selections are completed, the Service adopts them as Federal regulations through publication in the **Federal Register**. In the final SEIS, we present four alternatives regarding the schedule and timing of the general regulatory process.

(2) *Frequency of review and adoption of duck regulatory packages.* Duck regulatory packages are the set of framework regulations that apply to the general duck hunting seasons. Packages include opening and closing dates, season lengths, daily bag limits, and shooting hours. Current regulatory packages contain a set of frameworks for each of the four flyways and a set of four regulatory alternatives: restrictive (relatively short seasons and low daily bag limits), moderate (intermediate season lengths and daily bag limits), liberal (longer seasons and higher daily bag limits), and closed. In the final SEIS, we present two alternatives regarding how frequently duck regulatory packages should be reviewed and adopted.

(3) *Stock-specific harvest strategies.* We define a stock as a species, population, or portion of a population that is treated separately for harvest management purposes. Harvest strategies have been developed for stocks deemed not biologically capable of sustaining the same harvest levels that jointly managed stocks are capable of sustaining, or whose migration and distribution do not conform to patterns followed by the most commonly harvested species. The final SEIS presents three alternatives regarding the use of stock-specific harvest strategies.

(4) *Special regulations.* Special regulations differ from stock harvest strategies because they entail additional days of harvest opportunity outside the established frameworks for general seasons. Special regulations are employed to provide additional harvest opportunity on overabundant species, species that are lightly harvested and can sustain greater harvest pressure, or stocks whose migration and distribution provide opportunities outside the time period in which regular seasons are held. In the final SEIS, we offer two alternatives concerning the development of special regulations.

(5) *Management scale for the harvest of migratory birds.* We define management scale as the geographic area in which stocks are monitored and harvest is managed. The finer the scale of management employed in harvest management, the higher the cost of monitoring to management agencies. The desire for smaller management scales is driven by the potential for increased harvest opportunity associated with more refined geographic management. The final SEIS presents three alternatives regarding the scale at which migratory birds should be managed.

(6) *Zones and split seasons.* A zone is a geographic area or portion of a State, with a contiguous boundary, for which an independent season may be selected. A split is a situation where a season is broken into two or more segments with a closed period between segments. The combination of zones and split seasons allows a State to maximize harvest opportunity within the Federal frameworks without exceeding the number of days allowed for a given season. In the final SEIS, we present two alternatives regarding the use of zones and split seasons.

In addition, the final SEIS considers a seventh component of the proposed action concerning the subsistence hunting regulations process for Alaska. Regulations governing the subsistence harvest of migratory birds provide a framework that enables the continuation of customary and traditional subsistence uses of migratory birds in Alaska. These regulations are subject to annual review and are developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives. This annual review process establishes regulations that prescribe frameworks for dates when harvesting of birds may occur, species that can be taken, and methods and means that are excluded from use. In the final SEIS, we offer two alternatives regarding the subsistence harvest of migratory birds in Alaska.

In the final SEIS, we also discuss the impact of cumulative harvest of migratory bird hunting on national wildlife refuges.

Finally, the final SEIS provides and analyzes alternatives for each of these seven components with regard to their potential impacts on migratory bird species, other wildlife species, special status species, vegetation, outdoor recreational activities, physical and cultural resources, and the socioeconomic/administrative environment.

On July 9, 2010 (75 FR 39527), the Environmental Protection Agency published a notice of availability of our draft SEIS. On July 9, 2010 (75 FR 39577), we also published our own notice of availability of the draft SEIS.

We published a notice of intent to prepare an SEIS on September 8, 2005 (70 FR 53376) and a notice of meetings on the SEIS on March 9, 2006 (71 FR 12216). Comments were accepted until May 30, 2006.

We received public comments on the draft SEIS from three private individuals, eight State wildlife resource agencies, three nongovernmental organizations, four Flyway Councils, the National Flyway Council, and two Federal agencies. For six of the seven components outlined in the draft SEIS, the Service's preferred alternative was supported by the majority.

We modified the draft SEIS to respond to concerns and issues expressed by individuals, agencies, and organizations.

Dated: April 2, 2013.

Daniel M. Ashe,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2013–12443 Filed 5–30–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA9300000;L14300000;EU0000;CACA 53961]

Notice of Realty Action, Segregation Terminated, Direct Sale of Public Land in San Bernardino County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM), Needles Field Office, proposes to sell a parcel of public land totaling approximately 133.19 acres in San Bernardino County, California. The public land would be sold to the California Department of Transportation for the appraised fair market value of $55,000.

DATES: Comments regarding the proposed sale must be received by the BLM on or before July 15, 2013.

ADDRESSES: Written comments concerning the proposed sale should be sent to the Field Manager, BLM, Needles Field Office, 1303 S. U.S. Highway 95, Needles, CA 92363.

FOR FURTHER INFORMATION CONTACT: George R. Meckfessel, Planning and Environmental Coordinator, BLM Needles Field Office, telephone 760–326–7008; address 1303 S. U.S. Highway 95, Needles, California 92363. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The following public land is proposed for direct sale in accordance with Sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 U.S.C. 1713 and 1719).

San Bernardino Meridian,

T. 16 N., R. 14 E.,
Sec. 11, lot 1;
Sec. 12, lots 2, 4, 6, 9, 11, and 14;
Sec. 13, lot 2;
Sec. 14, lots 1, 4, 7, 11, and 12;
Sec. 23, lots 3, 6, 9, and 11.

The area described contains 133.19 acres in San Bernardino County, and is proposed for sale to the State of California, Department of Transportation, for the appraised fair market value of $55,000. The California Department of Transportation wishes to purchase the public land described above for construction of a facility to inspect agricultural products and commercial vehicles entering California. The BLM has determined that the sale of the land for this purpose would serve an important public objective which cannot be achieved prudently or feasibly on other lands. The BLM has concluded that a competitive sale is not appropriate and that the public interest would best be served by a direct sale to the California Department of Transportation. A portion of the public land described above was not identified for sale in the 1980 California Desert Conservation Area Plan, as amended, and a plan amendment is required to sell the land. The BLM has released a proposed plan amendment and environmental assessment that identifies the land as suitable for sale pursuant to Section 203 of FLPMA. Information on the proposed plan amendment is available at the location identified in **ADDRESSES** above. The BLM has completed a mineral potential report that concluded that there are no known mineral values in the land proposed for sale and the BLM is proposing to convey all mineral interests. Conveyance of all Federal mineral interests would occur simultaneously with the sale of the land. The purchaser would be required to pay a $50 nonrefundable filing fee for processing the conveyance of the mineral interests. The BLM previously segregated the above described land from appropriation under the public land laws and the general mining laws in a Notice published in the **Federal Register** on February 10, 2010 (75 FR 6702). This previous segregation will terminate on May 31, 2013 and be replaced with a segregation which would allow sale of the land as described in the next section.

On May 31, 2013, the above described land will be segregated from all forms of appropriation under the public land laws, including the mining laws, except for the sale provisions of the FLPMA. Until completion of the sale, the BLM will no longer accept land use applications affecting the identified public lands, except applications for the amendment of previously filed right-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2802.15 and 2886.15. The segregation terminates upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or on June 1, 2015, unless extended by the BLM State Director in accordance with 43 CFR 2711.1–2(d) prior to the termination date. The land would not be sold until at least July 30, 2013. Any conveyance document issued would contain the following terms, conditions, and reservations:

1. A reservation of a right-of-way (ROW) to the United States for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C 945).
2. Subject to a ROW for a buried fiber optic cable issued to U.S. Sprint Communications under serial number CACA 20105.
3. Subject to a ROW for a buried fiber optic cable issued to AT&T under serial number CACA 21604.
4. A condition that the conveyance be subject to all valid existing rights of record.
5. An appropriate indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or operations on the patented lands.
6. Additional terms and conditions that the authorized officer deems appropriate.

Detailed information concerning the proposed sale including the appraisal, planning and environmental documents, and mineral report are available for review at the location identified in **ADDRESSES** above.

Public comments regarding the proposed sale may be submitted in writing to the attention of the BLM Needles Field Manager (see **ADDRESSES** above) on or before July 15, 2013. Comments received in electronic form, such as email will not be considered. Any adverse comments regarding the

proposed sale will be reviewed by the BLM State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of timely filed objections, this realty action will become the final determination of the Department of the Interior.

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.

Authority: 43 CFR 2711.1–2(a) and (c)

Cynthia Staszak,

Associate Deputy State Director, Resources California.

[FR Doc. 2013–12674 Filed 5–30–13; 8:45 am]

BILLING CODE 4310–40–P

INTERNATIONAL TRADE COMMISSION

[Docket No 2958]

Certain Portable Electronic Communications Devices, Including Mobile Phones and Components Thereof 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 Portable Electronic Communications Devices, Including Mobile Phones and Components Thereof,* DN 2958; 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 Document Information System (EDIS) at *EDIS* [1], 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 at United States International Trade Commission (USITC) at *USITC* [2]. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *EDIS* [3]. 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 Nokia Corporation and Nokia Inc. on May 23, 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 portable electronic communications devices, including mobile phones and components thereof. The complaint names as respondents HTC Corporation of China and HTC America, Inc. of Bellevue, WA.

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. 2957'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *Electronic Filing Procedures* [4]). 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* [5].

This action is taken under the authority of section 337 of the Tariff Act

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

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: May 24, 2013.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2013–12892 Filed 5–30–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–894 (Review)]

Certain Ammonium Nitrate From Ukraine

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty order on certain ammonium nitrate from Ukraine would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on June 1, 2012 (77 FR 32669) and determined on October 17, 2012 that it would conduct a full review (77 FR 65015, October 24, 2012). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on October 24, 2012 (77 FR 65015).[2] The hearing was held in Washington, DC, on April 4, 2013, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this review to the Secretary of Commerce on May 24, 2013. The views of the Commission are contained in USITC Publication 4396 (May 2013), entitled *Certain Ammonium Nitrate from Ukraine: Investigation No. 731–TA–894 (Second Review).*

By order of the Commission.

Issued: May 24, 2013.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2013–12894 Filed 5–30–13; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] The Commission published a revised schedule on December 11, 2012 (77 FR 73674).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–752]

Certain Gaming and Entertainment Consoles, Related Software, and Components Thereof; Notice of Commission Determination Not To Review a Final Initial Remand Determination Finding No Violation of Section 337; Affirmance of Original Initial Determination as to Remaining Patent as Modified by the Remand Initial Determination; 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 final initial remand determination (''RID'') issued by the presiding administrative law judge (''ALJ'') on March 22, 2013. The Commission affirms the ALJ's final initial determination (''ID'') issued on April 23, 2012, as to the remaining patent as modified by the RID.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3042. 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 23, 2010, based on a complaint filed by Motorola Mobility, Inc. of Libertyville, Illinois and General Instrument Corporation of Horsham, Pennsylvania (collectively ''Motorola''). 75 FR 80843 (Dec. 23, 2010). The complaint alleged 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 gaming and entertainment consoles, related software, and components thereof by reason of infringement of various claims of United States Patent Nos. 6,069,896 (''the '896 patent''); 7,162,094 (''the '094 patent''); 6,980,596 (''the '596 patent''); 5,357,571 (''the '571 patent''); and 5,319,712 (''the '712 patent''). The notice of investigation named Microsoft Corporation of Redmond, Washington (''Microsoft'') as the sole respondent. The notice of investigation also named the Office of Unfair Import Investigations (''OUII'') as a party in the investigation. *See* 75 FR 80843 (Dec. 23, 2010). OUII, however, withdrew from participation in accordance with the Commission's Strategic Human Capital Plan. *See* 75 FR 80843 (2010); Letter from OUII to the Administrative Law Judge (Mar. 3, 2011).

On April 23, 2012, the ALJ issued his final ID, finding a violation of section 337 by Microsoft. Specifically, the ALJ found that the Commission has subject matter jurisdiction, *in rem jurisdiction* over the accused products and *in personam* jurisdiction over the respondent. The ALJ also found that the importation requirement of section 337 (19 U.S.C. 1337(a)(1)(B)) has been satisfied. Regarding infringement, the ALJ found that Microsoft's accused products directly infringe claims 1 and 12 of the '896 patent; claims 7, 8, and 10 of the '094 patent; claim 2 of the '596 patent; and claims 12 and 13 of the '571 patent. *Id.* at 330. The ALJ, however, found that the accused products do not infringe asserted claims 6, 8, and 17, of the '712 patent. With respect to invalidity, the ALJ found that the asserted claims of the '896, '094, '571, '712 patents and claim 2 of the '596 patent were not invalid. However, he found asserted claim 1 of the '596 patent invalid for anticipation. He also found that Microsoft failed to prevail on any of its equitable defenses and that Microsoft failed to establish that Motorola's alleged obligation to provide a license on reasonable and nondiscriminatory terms (''RAND'') precluded a finding of violation of

section 337. The ALJ concluded that an industry exists within the United States that practices the '896, '094, '571, '596 and '712 patents as required by 19 U.S.C. 1337(a)(2).

On May 7, 2012, Microsoft filed a petition for review of the ID. That same day, Motorola filed a petition and contingent petition for review. On May 15, 2012, the parties filed responses to the various petitions and contingent petition for review.

On June 22, 2012, Microsoft filed a motion for partial termination of the investigation. Specifically, Microsoft moved for termination of the '094 and '596 patents from the investigation based on facts alleged in the motion.

On June 29, 2012, the Commission determined to review the final ID in its entirety and remanded the investigation to the ALJ to apply the Commission's opinion in *Certain Electronic Devices with Image Processing Systems, Components Thereof, and Associated Software,* Inv. No. 337–TA–724, Comm'n Op. (Dec. 21, 2011) and rule on Microsoft's motion for partial termination of the investigation filed June 22, 2012. 77 FR 40082 (July 6, 2012).

On November 6, 2012, the ALJ issued an ID (Order No. 48) granting Motorola's motion to terminate the investigation as to the '712 and '571 patents. On January 11, 2013, the ALJ issued an ID (Order No. 52) granting Motorola's motion to terminate the investigation as to the '596 and '094 patents. The Commission determined not to review those orders. Thus, only the '896 patent remains in this investigation.

On March 22, 2013, the ALJ issued his RID, finding no violation of section 337 with respect to the asserted claims of the '896 patent.

On April 8, 2013, Motorola filed a petition for review of the RID, challenging the ALJ's finding that Microsoft is not liable for indirectly infringing the asserted claims of the '896 patent. That same day, Microsoft filed a contingent petition for review. In its contingent petition for review, Microsoft incorporates its petition for review of the original ID with respect to the '896 patent. On April 16, 2013, the parties filed responses to the petitions for review.

Having examined the record of this investigation, including the ALJ's final ID and RID, the petitions for review, and the responses thereto, the Commission has determined not to review the RID. The Commission affirms the ID issued on April 23, 2012, with respect to the '896 patent as modified by the RID. In that connection, the Commission adopts the ALJ's findings in the original ID that (1) Motorola waived its indirect infringement argument and (2) Motorola failed to establish indirect infringement on the merits. ID at 67–68. The Commission also adopts the ALJ's amplified findings in the RID that Motorola failed to establish indirect infringement on the merits during the remand proceeding. Thus there is no violation of section 337 with respect to the '896 patent. The investigation is terminated.

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 sections 210.42–46 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46 and 210.50).

Issued: May 23, 2013.

By order of the Commission.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2013–12893 Filed 5–30–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Collection; Comment Request; Certificate of Electrical Training

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: 60-Day Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: All comments must be postmarked or received by midnight Eastern Standard Time on July 30, 2013.

ADDRESSES: Comments concerning the information collection requirements of this notice must be clearly identified with ''OMB 1219–0001'' and sent to the Mine Safety and Health Administration (MSHA). Comments may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number [MSHA–2013–0012].
- *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, 21st floor, Room 2350, Arlington, VA 22209–3939.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Deputy Director, Office of Standards, Regulations, and Variances, MSHA, at *McConnell.Sheila.A@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(a) of the Federal Mine Safety and Health Act of 1977 (the Mine Act) states that the Secretary shall by rule in accordance with procedures set forth in this section and in accordance with section 553 of title 5, United States Code (without regard to any reference in such section to sections 556 and 557 of such title), develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines. Under section 103(a)(2) authorized representatives of the Secretary or the Secretary of Health and Human Services shall make frequent inspections and investigations in coal or other mines each year for the purpose of gathering information with respect to mandatory health or safety standards.

Under section 305(g) of the Mine Act, all electric equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions.

Title 30 CFR sections 75.153 and 77.103 define a person as qualified to perform electrical work if he has been qualified as a coal mine electrician by a State that has a coal mine electrical qualification program approved by MSHA; or if he has at least one year of experience performing electrical work underground in a coal mine, in the surface work area of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and has satisfactorily completed a coal mine electrical training program approved by MSHA or has attained a satisfactory grade on a series of five written tests approved by MSHA.

II. Desired Focus of Comments

The Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Certificate of Electrical Training and the applications both for MSHA-approved tests and for State tests administered as a part of a MSHA-approved State program. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of the MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Address the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses), to minimize the burden of the collection of information on those who are to respond.

OMB clearance requests are available on MSHA's Web site at *http://www.msha.gov* under ''**Federal Register** Documents'' on the right side of the screen by selecting ''New and Existing Information Collections and Supporting Statements''. The document will be available on MSHA's Web site for 60 days after the publication date of this notice, and on regulations.gov. Comments submitted in writing or in electronic form will be made available for public inspection on regulations.gov. Because comments will not be edited to remove any identifying information, MSHA cautions the commenter against including any information in the submission that should not be publicly disclosed.

The public also may examine publicly available documents at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

The information obtained from applicants will be used to determine compliance with 30 CFR Part 75 and 30 CFR Part 77.

MSHA has updated the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection request.

MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

Summary

Type of Review: Revision of a currently approved information collection.

Agency: Mine Safety and Health Administration.

Title: Certificate of Electrical Training.

OMB Number: 1219–0001.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc: 30 CFR 75.153 and 77.103.

Total Number of Respondents: 273.

Frequency: Various.

Total Number of Responses: 2,350.

Total Burden Hours: 996 hours.

Total Annual Respondent or Recordkeeper Cost Burden: $731.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Authority: 44 U.S.C. 3506(c)(2)(A).

Dated: May 28th, 2013.

George F. Triebsch,

Certifying Officer.

[FR Doc. 2013–12949 Filed 5–30–13; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

NOTICE: (13–062).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, 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 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Ms. Frances Teel, JF000, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Frances Teel, NASA Clearance Officer, NASA Headquarters, 300 E Street SW., JF000, Washington, DC 20546, *Frances.C.Teel@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information supports both the White House initiative to create opportunities to advance science, technology, engineering, and mathematics (STEM) education, and the President's Council of Advisors on Science and Technology (PCAST) *Engage to Excel* goals to improve STEM education during the first two years of college. The Department of Commerce estimates that STEM occupations will grow 1.7 times faster than non-STEM occupations between 2008–2018. As demographics in the U.S. continue to shift towards a more diverse populous, there is a need to attract underserved and underrepresented students to STEM degree fields. Traditionally, underrepresented groups in STEM include females, African-American, Hispanics, Native Americans, Pacific Islanders (natives of the Philippines, Guam, American Samoa, or Micronesia), and disabled students.

The NASA Glenn Research Center (GRC) Shadowing and Exploring Project is a career exploration initiative targeting students in the 14–20 age group. It connects classroom training to tangible activities that enable practical application of STEM disciplines, and cultivates innovative thinking. The program is designed to increase awareness of STEM career paths and encourage both the pursuit and retention of STEM majors during the initial years of college. The program incorporates GRC scientists, engineers, technicians, and administrative professionals to serve as mentors to participating students. The NASA Glenn Research Center Shadowing and Exploring Project Participation is voluntary and registration is required to participate.

II. Method of Collection

Electronic and Paper.

III. Data

Title: NASA GRC Shadowing and Exploring.

OMB Number: 2700–XXXX.

Type of review: Existing Collection without OMB Approval.

Affected Public: Individuals.

Estimated Number of Respondents: 500.

Estimated Time per Response: 0.5 hours.

Estimated Total Annual Burden Hours: 250.

Estimated Total Annual Cost: $39,552.51.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Frances Teel,

NASA PRA Clearance Officer.

[FR Doc. 2013–12906 Filed 5–30–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 78 FR 56876, and three comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission (including comments) may be found at: *http://www.reginfo.gov/public/do/PRAMain.* Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725—17th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Comments

As required by 5 CFR 1320.8(d), comments on the information collection activities as part of this study were solicited through publication of a 60 Day Notice in the **Federal Register** on September 14, 2012, at 77 FR 56876. We received three comments, to which we here respond.

Commenter 1

We agreed with one commenter's conclusion that (a) the information is necessary and will have practical use; and (b) our estimated burden on respondents appears appropriate. In (c), the commenter raised two points, and one more in (d) which we address here.

The first point of (c) is about our non-inclusion of the actual course instructor in our survey. We did not specifically include interviews with instructors for two reasons. The first is that NSF does not require grantees to provide RCR instruction through a live person—NSF concluded it was acceptable for grantees to direct participants to a Web site for online RCR education. Thus, there may not be an RCR instructor with whom we could speak. The second reason is that, based on our limited experience with grantees in which live RCR instruction is offered, the RCR administrator is also involved in that instruction, so the administrator will also have that perspective in those instances. Finally, we want to limit the burden this survey imposes on awardee institutions.

The second point in (c) is that our minimum number of participants of the RCR training (three—one undergraduate, one graduate, one post-doc) seems too low to provide a representative sample. We will ask grantees to make available as many students as practical, but since NSF requires grantees to provide RCR training only to students directly supported (paid) from NSF grants, we recognize that for many grantees, this may mean that few NSF participants exist. Of course, if a grantee provides RCR education to a broader range of students/post-docs/faculty than the minimal requirements of NSF, we expect to be able to draw from a larger pool of participants. Indeed, this is one of our questions for the RCR Administrator.

The comment in (d) about the most significant way to reduce the burden on respondents would be to give clear and timely guidance on what does and does not constitute 'adequate' training goes to one of the points of doing this survey. NSF has not specified what constitutes 'adequate' RCR training. We are assessing how grantees have implemented NSF's requirement, how many of them would welcome further specificity in NSF's requirement, and how many would not—and why or why not. As we note, one likely outcome of our effort would be recommendations back to NSF for improving its RCR program, and, depending on the response data, this could be one of those recommendations.

Commenter 2

Commenter 2 expressed concern that our RCR program data collection strategy ''exceeds what is necessary to evaluate recipient's compliance with NSF's policy'' and ''creates an unnecessary and excessive burden on the respondents'' and that the interviews ''are not necessary nor useful.'' We prepared our approach after interviewing experts in RCR training and then conducted a trial run of the oversight program at a university with multiple, decentralized RCR programs. Using a draft questionnaire, respondents provided answers and promptly offered both positive and negative feedback about their own RCR training experiences. Indeed, they expressed to us a desire to have additional discussions beyond the interviews, which we accommodated. Our interviews and questions were necessary and essential to determine compliance with NSF's RCR policy, to allow us to address the impact of NSF's requirement on the university, and to determine whether a recommendation to adjust the policy might be warranted. Thus, your phrase ''unnecessary and excessive burden'' is quite opposite of our actual experiences while interacting with upper-level administrators, RCR administrators, and RCR course participants.

Another point raised was that the RCR policy ''does not require institutions to demonstrate a commitment particularly through separately allocated resources—financial and/or personnel—to the program''. However, there is a requirement to allocate personnel. As indicated in the NSF Proposal and Award Policies and Procedures Guide, ''An institution must designate one or more persons to oversee compliance with the RCR training requirement''.[1] As indicated in our **Federal Register** Notice for this review, for evaluation purposes we are interested how the institution's financial and staff resources are both utilized to maintain the RCR training program.

There was also an overall concern that the length of time estimated for interviews is not enough. As indicated above, our interview times are based from our previous experiences and are used as an estimate, not as an absolute fixed factor. We expect that interview duration would vary for some institutions based on the size of their RCR program and total number of participants. Individual institutions can have a wide variety in the number of trainees who are supported by NSF. Our estimated interview times are in line with the actual length of the interviews conducted in our trial run.

Commenter 2's statement that the ''NSF OIG lacks the breadth of expertise needed to reasonably assess the effectiveness of individual institutional programs'' misses the mark of our intent. Our goal is not to evaluate the effectiveness of individual institutional RCR programs, but rather to evaluate an institution's methods for implementing its RCR program in response to NSF's requirement. As Commenter 2 stated, ''There is not a required course content or structure nor a requirement that faculty participate in the training activities''. Institutions can freely develop their RCR training plans, and, as stated in our Notice, we seek to collect such information for evaluation purposes. Our staff has several scientists who have the requisite experience to complete such an evaluation.

We agree with Commenter 2 that receipt of an institution's plan for RCR training would be a valuable endeavor, and we will obtain such institutional plans as part of our assessment.

Commenter 3

1. We agree with Commenter 3 that receipt of an institution's plan for RCR training would be a valuable endeavor, and we will obtain such institutional plans as part of our assessment. We prepared our approach after interviewing experts in RCR training and then conducting a trial run of the oversight program at a university with multiple, decentralized RCR programs. Using a draft questionnaire, respondents provided answers and promptly offered both positive and negative feedback about their own RCR training experiences. Our interviews and questions were necessary and essential to determine compliance with NSF's RCR policy, to allow us to address the impact of NSF's requirement on the university, and to determine whether a recommendation to adjust the policy might be warranted.

This commenter suggested we use an electronic survey rather than conducting interviews to gather information. During our trial run, we specifically asked the participants how their responses would differ if they received and answered the same questionnaire electronically vs. in an interview. While a couple of interviewees noted it would be more convenient logistically to complete an electronic questionnaire at their leisure, all interviewees preferred an interview format for a more fruitful discussion.

2. Commenter 3 suggested our list of interviewees is incomplete because we exclude faculty. We do not specifically exclude faculty as we found that faculty members are often the RCR program administrators and/or RCR course instructors. Furthermore, we plan to ask RCR program administrators for information on faculty involvement. We realize faculty mentoring could be an integrated part of a RCR program, as we recognize that institutions have varying RCR training programs that are suited to their specific research disciplines or type of institution.

Commenter 3 believed we underestimated the time burden on institutions due to systematic auditing and self-assessment. We are not conducting an audit, nor do we require a university to conduct an audit or self-assessment either prior, or subsequent, to our information gathering. Our interview times are based from our previous experiences and are used as an estimate, not as an absolute fixed factor. We expect that interview duration would vary for some institutions based on the size of their RCR program and total number of participants. Individual institutions can have a wide variety in the number of trainees who are supported by NSF. Our estimated interview times are in line with the actual length of the interviews conducted in our trial run.

After consideration of all comments, we are moving forward with our submission to OMB.

Title of Collection: Office of Inspector General Review of Awardee Implementation of NSF's Requirement for a Responsible Conduct of Research Program.

OMB Approval Number: 3145—NEW.

Type of Request: Intent to seek approval to establish an information collection.

Abstract: The National Science Foundation Office of Inspector General (NSF OIG) requests establishment of data collection to assess awardee institutions' plans to provide adequate training in the responsible conduct of research to undergraduate students, graduate students, and postdoctoral researchers who are supported by NSF.

Section 7009 of the America COMPETES Act (codified at 42 U.S.C. 862o–1) requires NSF to ensure that ''each institution that applies for financial assistance from the Foundation for science and engineering research or education describe in its grant proposal a plan to provide appropriate training and oversight in the responsible and ethical conduct of research. . . .'' NSF's implementation of this requirement is described in the NSF Proposal and Award Policies and Procedures Guide, Part II—Award and

[1] Part II-Award and Administration Guide, Chapter IV, Part B.2.c, *nsf.gov/pubs/policydocs/pappguide/nsf11001/aag_4.jsp#IVB.*

Administration Guide, Chapter IV, Part B and is available at *nsf.gov/pubs/policydocs/pappguide/nsf11001/aag_4.jsp#IVB.*

The Office of Inspector General provides independent oversight of NSF's programs and operations. NSF OIG is responsible for promoting efficiency and effectiveness in agency programs and for preventing and detecting fraud, waste, and abuse. NSF OIG supports NSF in its mission by safeguarding the integrity of NSF programs and operations through audits, investigations, and other reviews.

This information collection is necessary for review of institutional compliance with the responsible conduct of research requirements. NSF OIG will primarily use the data collected to inform the Foundation and Congress whether current responsible conduct of research programs comply with NSF's requirement and to make recommendations to strengthen these programs if necessary. The results of the information collection also will assist NSF OIG in developing a responsible conduct of research oversight plan.

The scope of this information request will primarily address how awardees have implemented NSF's requirement by interviewing three groups of people: (1) upper-level administrators (*e.g.,* Vice Presidents or Vice Provosts), (2) program administrators (*e.g.,* Research Integrity Officers or Compliance Officers), and (3) trainees who have participated in the program (undergraduate students, graduate students and postdoctoral researchers). From the upper-level administrators, we will request information that will allow us to assess the institution's commitment to the program, including resources (both financial and staff), and how the expectations for the program are communicated to faculty and students. We will request from the program administrators specific information such as course structure and content, participation requirements and options, compliance tracking, faculty participation, resource allocation, and oversight. From the course participants, we will request information about their experiences in the courses with regard to format, duration, content, and the benefits and drawbacks of taking an RCR course. The information collection will be conducted through video-conferencing between NSF OIG and the institutions' participants.

Use of the Information: This information is required for NSF OIG's effective oversight of NSF programs and operations by reviewing institutions' compliance with the responsible conduct of research requirements of the America COMPETES Act and NSF's Proposal and Award Policies and Procedures Guide.

This collection primarily will be used for accountability and evaluation purposes, and to inform Congress and NSF on the outcome of the information collection.

Respondents: Institutions that receive funding from NSF and are required to provide adequate training on the responsible conduct of research.

Number of Respondents: NSF OIG anticipates collecting information from a minimum of 20 institutions per year and a maximum of 100 institutions. Participants at each institution will include at least one senior level administrator, one representative from the responsible conduct of research program, and a group of students with at least one undergraduate student, one graduate student, and one postdoctoral researcher. The information collection will involve between 100 and 500 respondents per year.

Burden on the Public: NSF OIG estimates that the time required for information collection from each senior level administrator will be approximately 30 minutes, from each representative from the responsible conduct of research program approximately 1.5 hours, and from students and postdocs approximately 1 hour each.

At a minimum, each institution will require 4 hours to complete the information collection. The minimum total time burden for 20 institutions per year is 80 hours and 400 hours per year for 100 universities.

Dated: May 28, 2013.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2013–12929 Filed 5–30–13; 8:45 am]

BILLING CODE 7555–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [78 FR 101, Friday, May 24, 2013].

STATUS: Closed Meeting

PLACE: 100 F Street NW. Washington, DC

DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING: May 30, 2013.

CHANGE IN THE MEETING: Deletion of Item.

The following item will not be considered during the Closed Meeting on Thursday, May 30, 2013:

An adjudicatory matter

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: May 29, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–13031 Filed 5–29–13; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [78 FR 101, Friday, May 24, 2013].

STATUS: Closed Meeting.

PLACE: 100 F Street NE., Washington, DC

DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING: Thursday, May 30, 2013 at 2:00 p.m.

CHANGE IN THE MEETING: Time Change.

The Closed Meeting scheduled for Thursday, May 30, 2013 at 2:00 p.m. has been changed to Thursday, May 30, 2012 at 1:00 p.m.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: May 29, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–13030 Filed 5–29–13; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [78 FR 101, Friday, May 24, 2013].

STATUS: Closed Meeting.

PLACE: 100 F Street NW., Washington, DC.

DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING: May 30, 2013.

CHANGE IN THE MEETING: Deletion of Item.

The following item will not be considered during the Closed Meeting on Thursday, May 30, 2013:

an adjudicatory matter

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: May 29, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–13029 Filed 5–29–13; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69639; File No. SR–NYSEArca–2013–39]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Withdrawal of a Proposed Rule Change Amending NYSE Arca Equities Rule 7.31 To Add a Moving Average Check for Incoming Market Orders and Marketable Limit Orders

May 24, 2013.

On April 11, 2013, NYSE Arca, Inc. (''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Arca Equities Rule 7.31 to add a Moving Average Check for incoming market orders and marketable limit orders. The proposed rule change was published for comment in the **Federal Register** on April 30, 2013.[3] The Commission did not receive any comment letters on the proposal. On May 14, 2013, NYSE Arca withdrew the proposed rule change (SR–NYSEArca–2013–39).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[4]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2013–12896 Filed 5–30–13; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 69443 (April 24, 2013), 78 FR 25332 (SR–NYSEArca–2013–39).

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Jupiter Enterprises, Inc., Order of Suspension of Trading

May 29, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Jupiter Enterprises, Inc. because it has not filed any periodic reports since the period ended June 30, 2007.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on May 29, 2013, through 11:59 p.m. EDT on June 11, 2013.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–12992 Filed 5–29–13; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

China Environmental Protection, Inc., Order of Suspension of Trading

May 29, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of China Environmental Protection, Inc. because it has not filed any periodic reports since the period ended June 30, 2011.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on May 29, 2013, through 11:59 p.m. EDT on June 11, 2013.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–12989 Filed 5–29–13; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

China Properties Developments, Inc.; Order of Suspension of Trading

May 29, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of China Properties Developments, Inc. because it has not filed any periodic reports since the period ended September 30, 2010.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on May 29, 2013, through 11:59 p.m. EDT on June 11, 2013.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–12991 Filed 5–29–13; 11:15 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 8343]

60-Day Notice of Proposed Information Collection: Application for A, G, or NATO Visa

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to July 30, 2013.

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

- *Web:* Persons with access to the Internet may use the Federal Docket Management System (FDMS) to comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Public

Notice 8343'' in the Search bar. If necessary, use the Narrow by Agency filter option on the Results page.

• *Email:* *PRA_BurdenComments@state.gov.*

• *Mail:* Chief, Legislation and Regulations Division, Visa Services Office—DS–1648, 2401 E Street NW., Washington, DC 20520–30106.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Sydney Taylor, Visa Services, U.S. Department of State, 2401 E Street NW., L–603, Washington, DC 20522, who may be reached at *PRA_BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Application for A, G, or NATO Visas.

• *OMB Control Number:* OMB No. 1405–0100.

• *Type of Request:* Extension of a Currently Approved Collection.

• *Originating Office:* CA/VO/L/R.

• *Form Number:* DS–1648.

• *Respondents:* All applicants for A, G, or NATO visa reauthorizations, excluding A–3, G–5 and NATO–7 applicants.

• *Estimated Number of Respondents:* 30,000.

• *Estimated Number of Responses:* 30,000.

• *Average Time per Response:* 30 minutes.

• *Total Estimated Burden Time:* 15,000 hours.

• *Frequency:* Once per application.

• *Obligation to Respond:* Required to Obtain Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimates of the time and cost burdens for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: Under INA section § 101(a)(15)(G) and INA section § 101(a)(15)(A), the Department of State can use Form DS–1648 to elicit information from applicants for a renewal of A, G, or NATO visas, excluding A–3, G–5 and NATO–7 applicants.

Methodology: The DS–1648 will be submitted electronically to the Department via the internet. The applicant will be instructed to print a confirmation page containing a bar coded record locator, which will be scanned at the time of processing.

Dated: May 14, 2013.

Edward Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2013–12938 Filed 5–30–13; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Delegation of Authority No. 357]

Delegation to the Assistant Secretary for Administration of Procurement Functions and Authorities

By virtue of the authority vested in the Secretary of State by 22 U.S.C. 2651a and 41 U.S.C. 1702, and delegated to me by Delegation of Authority 198, dated September 16, 1992, I hereby delegate to the Assistant Secretary of State for Administration, all duties, responsibilities and powers of the Secretary with respect to Department procurement; and authority to act as head of the agency with respect to procurement.

I. Scope

1. In carrying out these functions, the Assistant Secretary for Administration shall:

a. Prescribe and publish the Department of State Acquisition Regulation (48 CFR Chapter 6) and other directives pertaining to procurement including, but not limited to, those incorporated in 48 CFR Chapter 6.

b. To the extent permitted by law, make all determinations and findings required by statute or regulation to be made by the Head of the Agency.

2. The authority delegated herein shall be exercised in accordance with the applicable limitations and requirements of the Federal Property and Administrative Services Act, as amended; the Federal Acquisition Regulation (48 CFR Chapter 1); the applicable portions of the Federal Property Management Regulations (41 CFR Chapter 101); as well as other relevant statutes and regulations.

3. The Assistant Secretary for Administration is authorized to re-delegate (and authorize the subsequent re-delegation of) any of the authorities delegated herein, to the extent authorized by law, to any qualified employee of the Department of State.

4. The Assistant Secretary for Administration shall serve as Chief Acquisition Officer (CAO), and shall carry out the duties enumerated in 41 U.S.C. 1702, including the following duties:

a. Advise and assist the Secretary and other Department officials to ensure that the mission of the Department is achieved through the management of the Department's acquisition activities.

b. Responsible for monitoring the performance of acquisition activities and acquisition programs of the Department, evaluating the performance of those programs on the basis of applicable performance measurements, and advising the Secretary, Deputy Secretaries, and Under Secretary for Management regarding the appropriate business strategy to achieve the mission of the Department.

c. Increase the use of full and open competition in the acquisition of property and services by the Department by establishing policies, procedures, and practices that ensure that the Department receives a sufficient number of sealed bids or competitive offers from responsible sources to fulfill the Department's requirements (including performance and delivery schedules) at the lowest cost or best value considering the nature of the property or service procured.

d. Increase the appropriate use of performance-based contracting and performance specifications.

e. Make acquisition decisions consistent with all applicable laws and establish clear lines of authority, accountability, and responsibility for acquisition decision making within the Department.

f. Manage the direction of acquisition policy for the Department, including implementation of the unique acquisition policies, regulations, and standards of the Department.

g. Develop and maintain an acquisition career management program in the Department to ensure that there is an adequate professional workforce.

h. Advise the Department on the applicability of relevant policy on the contracts of the agency for overseas contingency operations and ensure the

compliance of the contracts and contracting activities of the Department with such policy.

5. As part of the strategic planning and performance evaluation process required by 5 U.S.C. 306 and 31 U.S.C. 1105(a)(28), 1115, 1116, and 9703 (Managerial Accountability and Flexibility), the CAO will:

a. Assess the requirements established for agency personnel regarding knowledge and skill in acquisition resources management and the adequacy of those requirements for facilitating the achievement of the performance goals established for acquisition management;

b. Develop strategies and specific plans for hiring, training, and professional development to rectify a deficiency in meeting those requirements; and

c. Report to the Secretary on the progress made in improving acquisition management capability.

II. Technical

1. This delegation of authority supersedes Department of State Delegation No. 120–4, dated July 26, 1994; No. 120–5, dated November 23, 1994; and No. 120–6, dated February 21, 2004.

2. This document will be published in the **Federal Register**.

Dated: April 30, 2013.

Patrick F. Kennedy,

Under Secretary for Management.

[FR Doc. 2013–12942 Filed 5–30–13; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF STATE

[Public Notice 8340]

Shipping Coordinating Committee; Notice of Committee Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 8:30 a.m. on Wednesday, July 3, 2013, in Room 1200 of the United States Coast Guard Headquarters Building, 2100 Second Street SW., Washington, DC 20593–7126. The primary purpose of the meeting is to prepare for the sixty-third Session of the International Maritime Organization (IMO) Technical Co-operation Committee (TCC 63) to be held at the IMO Headquarters, United Kingdom from July 10 to July 12, 2013 and the one hundred and tenth Session of the IMO Council Session (C 110) to be held at the IMO Headquarters, United Kingdom, from July 15 to July 19, 2013.

The agenda items to be discussed include:

Sixty-Third Session of the Technical Co–Operation Committee

—Adoption of the agenda
—Work of other bodies and organizations
—Integrated Technical Co-operation Programme
—Financing of the Integrated Technical Co-operation Programme
—Linkage between the Integrated Technical Co-operation Programme and the Millennium Development Goals
—Partnerships for progress
—Voluntary IMO Member State Audit Scheme
—Integration of women in the maritime sector
—Global maritime training institutions
—Application of the Committee's Guidelines
—Work Programme
—Any other business
—Election of the Chairman and the Vice-Chairman for 2014
—Consideration of the report of the Committee on its sixty-second session

One Hundred and Tenth Session of Council

—Adoption of the agenda
—Report of the Secretary-General on credentials
—Strategy, planning and reform
—Resource Management
  —Human resource matters, including amendments to the Staff Regulations and Staff Rules
  —Accounts and audit: Final accounts for the finance period 2012 and transfers within the 2012 budget
  —Report on investments
  —Report on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 61 of the IMO Convention
  —Budget considerations for 2013
  —Development of a long-term plan for the future financial sustainability of the Organization
—Technical Co-operation Fund
—Results-based budget: Outline of budgetary implications for 2014–2015
—Voluntary IMO Member State Audit Scheme
—Consideration of the report of the Maritime Safety Committee
—Consideration of the report of the Facilitation Committee
—Consideration of the report of the Legal Committee
—Consideration of the report of the Marine Environment Protection Committee
—Consideration of the report of the Technical Co-operation Committee
—Protection of vital shipping lanes
—Periodic review of administrative requirements in mandatory IMO instruments
—World Maritime University:
  —Report of the Board of Governors
  —Budget
—IMO International Maritime Law Institute:
  —Report of the Board of Governors
  —Budget
—Assembly matters:
  —Provisional Agenda for the twenty-eighth regular session of the Assembly
  —Preparations for the twenty-eighth regular session of the Assembly
  —Draft report of the Council to the Assembly on the work of the Organization since the twenty-eighth regular session of the Assembly
—External relations:
  —Relations with the United Nations and the specialized agencies
  —Joint Inspection Unit
  —Relations with intergovernmental organizations
  —Relations with non-governmental organizations
  —World Maritime Day
  —International Maritime Prize
  —IMO Award for Exceptional Bravery at Sea
  —Report on Day of the Seafarer 2013
—Report on the status of the Convention and membership of the Organization
—Report on the status of conventions and other multilateral instruments in respect of which the Organization performs functions
—Place, date and duration of the next session of the Council
—Supplementary agenda items, if any

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator; LCDR Matthew Frazee by email at *matthew.p.frazee@uscg.mil,* by phone at (202) 372–1376 or in writing at Commandant (CG–52), U.S. Coast Guard Headquarters, 2100 2nd Street SW., STOP 7126, Room 1200, Washington, DC 20593–7126 not later than June 28, 2013. Requests for reasonable accommodation made after June 28th will be considered, but may not be possible to fulfill.

Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Headquarters building. The Headquarters building is accessible by taxi and privately owned conveyance

(public transportation is not generally available). However, parking in the vicinity of the building is extremely limited. Additional information regarding this and other IMO SHC public meetings may be found at: *www.uscg.mil/imo.*

Dated: May 23, 2013.

Brian Robinson,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 2013–12940 Filed 5–30–13; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice 8341]

Shipping Coordinating Committee; Notice of Committee Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on Wednesday, August 14, 2013, in Room 51309 of the United States Coast Guard Headquarters Building, 2100 Second Street SW., Washington, DC 20593–0001. The primary purpose of the meeting is to prepare for the fifty-ninth Session of the International Maritime Organization's (IMO) Sub-Committee on Safety of Navigation to be held at the IMO Headquarters, United Kingdom, September 2–6, 2013.

The primary matters to be considered include:

—Routeing of ships, ship reporting and related matters
—Application of the satellite navigation system ''BeiDou'' in the maritime field
—International Telecommunication Union (ITU) matters, including Radiocommunication ITU–R Study Group matters
—Development of an e-navigation strategy implementation plan
—Development of policy and new symbols for AIS aids to navigation
—Review of general cargo ship safety
—Revision of the information contained in the existing annexes to the Recommendation on the use of adequately qualified deep-sea pilots in the North Sea, English Channel and Skagerrak (resolution A.486(XII))
—Revision of the Guidelines for the onboard operational use of shipborne automatic identification systems (AIS)
—Consolidation of ECDIS-related IMO circulars
—Consideration of ECDIS matters related to the implementation of the carriage requirements in SOLAS regulations V/19.2.10 and V/19.2.11
—Development of explanatory footnotes to SOLAS regulations V/15, V/18, V/19 and V/27
—Revision of the information contained in the existing annexes to the Recommendation on the use of adequately qualified deep-sea pilots in the Baltic (resolution A.480(XII))
—Casualty analysis
—Consideration of International Association of Classification Societies (IACS) unified interpretations
—Biennial agenda and provisional agenda for NAV 60
—Report to the Maritime Safety Committee

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, Mr. George H. Detweiler, Jr., by email at *George.H.Detweiler@uscg.mil,* by phone at (202) 372–1566, by fax at (202) 372–1991, or in writing at Commandant (CG–NAV–3), U.S. Coast Guard, 2100 2nd Street SW., Stop 7580, Washington, DC 20593–7580 not later than August 7, 2013, seven days prior to the meeting. Requests for reasonable accommodation made after August 7, 2013 might not be able to be fulfilled. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Headquarters building. The Headquarters building is accessible by taxi and privately owned conveyance (public transportation is not generally available). However, parking in the vicinity of the building is limited. Additional information regarding this and other IMO SHC public meetings may be found at: *www.uscg.mil/imo.*

Dated: May 24, 2013.

Brian Robinson,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 2013–12941 Filed 5–30–13; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request to Release Airport Property at the Fort Worth Spinks Airport, Fort Worth, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the Fort Worth Spinks Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before July 1, 2013.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Mike Nicely, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports Development Office, ASW–650, Fort Worth, Texas 76137–0650.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to the Mr. Bill Welstead, Aviation Director, at the following address: 4201 N. Main St., Suite 200, Fort Worth, TX 76106.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Mekhail, Program Manager, Federal Aviation Administration, Texas Airports Development Office, ASW–650 2601 Meacham Boulevard, Fort Worth, Texas 76193–0650, Telephone: (817) 222–5663, email: *Anthony.Mekhail@faa.gov,* fax: (817) 222–5989.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Fort Worth Spinks Airport under the provisions of the AIR 21.

The following is a brief overview of the request:

The City of Fort Worth requests the release of 6.915 acres of non-aeronautical airport property. This property was incorporated into the airport using City and FAA funds through the AIP Program from 1983 to 1987. The property to be released will be sold to allow for the extension of Stone Road along the western boundary of the Airport. 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 application, notice and other documents relevant to the application in person at the Fort Worth Spinks Airport, telephone number (817) 392–5400.

Issued in Fort Worth, Texas on May 22, 2013.

Kelvin L. Solco,

Manager, Airports Division.

[FR Doc. 2013–12872 Filed 5–30–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0370]

Hours of Service of Drivers: U.S. Department of Energy (DOE); Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant the U.S. Department of Energy (DOE) an exemption from the minimum 30-minute rest break provision of the Agency's hours-of-service (HOS) regulations for commercial motor vehicle drivers. The exemption would enable DOE's contract motor carriers and their employee-drivers engaged in the transportation of security-sensitive radioactive materials to be treated similarly to drivers of shipments of explosives. The exempted drivers would be allowed to use 30 minutes or more of ''attendance time'' to meet the HOS rest break requirements providing they do not perform any other work during the break.

DATES: This exemption is effective from July 1, 2013 through June 30, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Bus and Truck Standards and Operations; Telephone: 202–366–4325. Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Request for Exemption

Certain motor carriers under contract to the U.S. Department of Energy (DOE) transport security-sensitive radioactive materials. DOE notes that the term includes transuranic waste; spent nuclear fuel; radioactive sources classified as category 1 and 2 materials by the International Atomic Energy Agency, including ''Highway route controlled quantities,'' as defined in 49 CFR 173.403; or known radionuclides in forms listed as RAM–QC by the Nuclear Regulatory Commission.

DOE requests a limited exemption from the hours-of-service (HOS) regulation pertaining to rest breaks [49 CFR 395.3(a)(3)(ii)], to allow contract driver-employees transporting security-sensitive radioactive materials to be treated the same as drivers transporting explosives, as provided in § 395.1(q). Section 395.1(q) states that operators of commercial motor vehicles (CMVs) carrying Division 1.1, 1.2, or 1.3 explosives subject to the requirement for a minimum 30-minute rest break in § 395.3(a)(3)(ii) may use 30 minutes or more of ''attendance time'' to meet the requirement for a rest break. Compliance with § 395.3(a)(3) is required by July 1, 2013.

DOE contends that shipments of security-sensitive radioactive materials require a team of two drivers and the use of a sleeper berth to minimize risk and expedite delivery in a safe and secure manner. DOE asserts that granting the exemption would allow team drivers to manage their en route rest periods efficiently and also perform mandated shipment security surveillance, resulting in a safe and secure driving performance during a long distance trip.

DOE states that it has instituted several technical and administrative controls to ensure the effective use of driver on-duty and rest-break time, which would remain in effect under the requested exemption. They include the following:

- Real-time tracking and monitoring of transuranic waste and security-sensitive shipments using DOE's satellite-based systems.
- Use of electronic on-board recorders on trucks, which is contractually required for motor carriers involved in the Waste Isolation Pilot Plant to ensure compliance with driver HOS rules.
- Continuous monitoring of the safety performance of DOE-qualified motor carriers using the FMCSA Compliance Safety Accountability Program's Safety Measurement System, and DOE's Motor Carrier Evaluation Program.

Further details regarding DOE's safety controls can be found in its application for exemption, which can be accessed in the docket identified at the beginning of this notice. DOE contends that these controls enable it to achieve a high level of safety and security for transportation of security-sensitive radioactive materials.

DOE anticipates no safety impacts from this exemption and notes that in the preamble to the FMCSA final rule on the ''Hours of Service of Drivers,'' dated December 27, 2011 (76 FR 81134), the Agency addressed concerns from commenters regarding rest breaks for carriers of hazardous materials. Section 395.1(q) allows drivers who are required by § 397.5 to attend a motor vehicle transporting certain types of explosives but perform no other work, to log at least a half-hour of their attendance time toward the break. The Agency cited a recent study showing that on-duty breaks reduce the risk of crashes after the break (76 FR 81154).

DOE believes that its contract employee drivers should be allowed to follow the requirements in § 395.1(q) when transporting shipments of security-sensitive radioactive materials. DOE believes that shipments made under the requested exemption would achieve a level of safety and security that is at least equivalent to that which would be obtained by following the normal break requirement in § 395.3(a)(3)(ii).

DOE estimates that 30 power units and 53 drivers would currently be eligible for the exemption, if granted. The proposed exemption would be effective from July 1, 2013 through June 30, 2015, the maximum period allowed by § 381.300. A copy of DOE's exemption application is available for review in the docket for this notice.

Public Comments

On January 13, 2013, FMCSA published notice of this application, and asked for public comment (78 FR 2711). Three comments were submitted. One individual opposed the exemption without stating a reason. Another individual also opposed the exemption, stating that if truck drivers who are not working for a Federal agency must observe the rule, then those who are working for a Federal agency should also be required to observe it. The

Commercial Vehicle Safety Alliance (CVSA) also commented. Its members include representatives of Federal, State and local governments, as well as representatives of private industry. CVSA commented briefly that it did not oppose or support the exemption. Comments are available for review in the docket for this notice.

FMCSA Response

The DOE did not base its request for an exemption on its status as a Federal agency. Rather, it provided the same justification for the request that would be required of any non-governmental agency.

FMCSA Decision

The FMCSA has evaluated DOE's application for exemption and the public comments. The Agency believes that DOE will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption [49 CFR 381.305(a)].

Terms of the Exemption

Period of the Exemption

This exemption from the requirements of 49 CFR 395.3(a)(3)(ii) is granted for the period from 12:01 a.m., July 1, 2013, through 11:59 p.m. on June 30, 2015.

Extent of the Exemption

The exemption is restricted to DOE's contract driver-employees transporting security-sensitive radioactive materials. This exemption is limited to the provisions of 49 CFR 395.3(a)(3)(ii) to allow contract driver-employees transporting security-sensitive radioactive materials to be treated the same as drivers transporting explosives, as provided in § 395.1(q). These drivers must comply with all other applicable provisions of the FMCSRs.

Preemption

In accordance with 49 U.S.C. 31315(d), during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Notification to FMCSA

The DOE must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of this exemption. The notification must include the following information:

a. Date of the accident,

b. City or town, and State, in which the accident occurred, or closest to the accident scene,

c. Driver's name and driver's license number and State of issuance

d. Vehicle number and State license plate number,

e. Number of individuals suffering physical injury,

f. Number of fatalities,

g. The police-reported cause of the accident,

h. Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations, and

i. The driver's total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to *MCPSD@DOT.GOV*.

Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation or restriction of the exemption. The FMCSA will immediately revoke or restrict the exemption for failure to comply with its terms and conditions.

Issued on: May 22, 2013.

Anne S. Ferro,

Administrator.

[FR Doc. 2013–12907 Filed 5–30–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0268]

Hours of Service of Drivers: Trailways Companies Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant Adirondack Trailways, Pine Hill Trailways, New York Trailways (''Trailways'') and all other regular-route passenger carriers and their drivers an exemption from the hours-of-service (HOS) record of duty status (RODS) requirement to enter a change in duty status on the daily log for breaks in driving time of 10 minutes or less, for the limited purpose of picking up or dropping off passengers, baggage, or small express packages. FMCSA extended the request to all regular-route passenger carriers and their drivers rather than limiting it to Trailways' drivers. The exemption will allow these drivers to perform their daily duties without having to record entries in the daily log for breaks in driving time of 10 minutes or less. Such activity will not be considered a change of duty status for the purposes of 49 CFR 395.8(c).

DATES: This exemption is effective from May 31, 2013 to May 31, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Bus and Truck Standards and Operations; Telephone: 202–366–4325. Email: *MCPSD@dot.gov*.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Request for Exemption

Trailways (Adirondack Trailways, Pine Hill Trailways, and New York Trailways) offers scheduled passenger-carrier service throughout New York State and to Montreal and Toronto. Trailways stated that its exemption application was for fixed-route carriers and their drivers who are often away from the controls of the vehicle for brief periods of time of less than 10 minutes to assist passengers or make one of several passenger pick-ups and drop-offs along the route.

Trailways advised that until March 2011 it and other motor carriers had been operating in accordance with a 1996 interpretation of 49 CFR 395.8(c) issued by the Federal Highway Administration (FHWA). The 1996 interpretation excluded regular-route passenger carrier CMV drivers from having to record a location entry on the driver's RODS for non-driving periods of less than 10 minutes. This guidance was not included in the compilation and re-publication of all Agency regulatory guidance on April 4, 1997 (62 FR 16370), and is no longer valid.

In March 2011, New York State officials began enforcing a literal interpretation of the rule, requiring that a change in duty status be entered on the log any time the driver leaves the operating controls of the CMV. Trailways is concerned that the violations will have a negative effect on the companies' and the drivers' Safety Management System scores, as well as schedules and passenger service because of the delays needed to make the entries.

Instead of complying with the provisions in 49 CFR 395.8(c), Trailways requested that its drivers with regularly scheduled routes be exempted from changing their duty status from ''driving'' to ''on-duty not driving'' when making stops of less than 10 minutes.

Trailways notes that the 1996 interpretation reduced the amount of total time a driver could drive in a duty period. Without the 1996 interpretation, the time drivers spend at stops to load passengers, freight, etc. would be on-duty/not driving, increasing the driving time available, but creating an additional administrative distraction every time the driver leaves the controls regardless of the reason or the limited amount of time away from the vehicle controls. Trailways further advised that its carriers provide flag stops and that having to update the log at each such stop increases the amount of time that the motorcoach may be delaying traffic while waiting for the pick-up and/or discharge of passengers and luggage, and then waiting for the driver to update the log before continuing the route. According to Trailways, in many instances the large number of brief stops will not fit on the log if the driver makes all of the required entries.

Trailways noted that the maximum possible driving time would be reduced and that traffic congestion could be reduced if the exemption were granted. FMCSA believes this would ensure that operations under the exemption would be at least as safe as operations that comply with the requirements on change of duty status.

FMCSA sought public comment on the need to extend Trailways' request to all regular-route for-hire passenger carrier drivers. Including all regular-route for-hire passenger carrier drivers in this exemption precludes the need for other carriers to file identical exemption requests, and provides for consistent enforcement because the same provisions will be applied to all similar scenarios involving brief stops by drivers of these carriers during their regular-route operations.

A copy of Trailways' exemption application is available for review in the docket for this notice.

Public Comments

On October 1, 2012, FMCSA published notice of this application, and asked for public comment (77 FR 60007). Ten comments were received to the public docket. An anonymous submitter stated ''In my opinion I don't see a reason in not granting this request.'' Mr. Gale C. Ellsworth, of Trailways, Fairfax, Virginia, supported the application and stated that ''the 'exemption' is a common industry practice that was approved and authorized in a rulemaking interpretation requested by Greyhound in 1996.'' He further stated that ''Greyhound supports the current request by Trailways, which became more important during 2011, when law enforcement and DOT agents began writing this practice as violations, which now affect a carrier's system safety ratings in the FMCSA's public record.'' Mr. Russell S. Gaillard supported the application by stating, ''I request that these drivers be exempted from the requirement to enter a change in duty status on the daily log for breaks in driving time of 10 minutes or less, for the limited purposes such as picking up or discharging passengers, baggage and/or package express items.'' Ms. Veronica Rodriguez said, ''I think an exemption like this one will benefit all fixed route drivers.'' Mr. William Woodsrow Gentry, Jr., commented, ''I support the stand that the change of status is not correct for drivers. If they are just picking up someone and loading luggage then they should remain On Duty Status.'' Additionally, Concord Coach Lines Inc., Greyhound, SMART Transportation Division, Teamsters Local 118, and United Motorcoach Association all supported Trailways' application for the exemption. All comments are available for review in the docket for this notice.

FMCSA Decision

The FMCSA has evaluated Trailways' application for exemption and the public comments. The Agency believes that Trailways will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption (49 CFR 381.305(a)).

Terms of the Exemption

Period of the Exemption

The limited exemption from the HOS record of duty status requirements of 49 CFR 395.8(c) is granted for the period from 12:01 a.m. on May 31, 2013 through 11:59 p.m. on May 31, 2015.

Extent of the Exemption

The exemption is restricted to drivers employed by Trailways and other regular-route for-hire passenger-carrier drivers. Instead of complying with the provisions in 49 CFR 395.8(c), these drivers are exempted from changing their duty status from ''driving'' to ''on-duty not driving'' when making stops of less than 10 minutes. These drivers must comply with all other applicable provisions of the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399).

Preemption

In accordance with 49 U.S.C. 31315(d), during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Notification to FMCSA

Trailways and other regular-route for-hire passenger-carriers must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of this exemption. The notification must include the following information:

a. Date of the accident,

b. City or town, and State, in which the accident occurred, or closest to the accident scene,

c. Driver's name and driver's license number and State of issuance,

d. Vehicle number and State license plate number,

e. Number of individuals suffering physical injury,

f. Number of fatalities,

g. The police-reported cause of the accident,

h. Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations, and

i. The driver's total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to *MCPSD@dot.gov.*

Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation or restriction of the exemption. The FMCSA will immediately revoke or restrict the exemption for failure to comply with its terms and conditions.

Issued on: May 22, 2013.

Anne S. Ferro,

Administrator.

[FR Doc. 2013–12908 Filed 5–30–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0106; FMCSA–2009–0086]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 13 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: July 1, 2013. Comments must be received on or before July 1, 2013.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2008–0106; FMCSA–2009–0086], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 13 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 13 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Michael D. Abel (NE)
Kenneth W. Dunn (TN)
Johnny K. Hiatt (NC)
Jeffrey M. Mueller (MO)
Joseph E. Pfaff (IL)
Jerry G. Sexton (GA)
Paul A. Wolfe (OH)
Paul M. Christina (PA)
Edward J. Grant (IL)
Richard S. Hoffman (ID)
George M. Nelson (OH)
Cecil R. Rhodes (OH)
Christopher A. Weidner (CT)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 13 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (73 FR 35194; 73 FR 48272; 74 FR 19267; 74 FR 28094; 76 FR 32016). Each of these 13 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by July 1, 2013.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 13 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: May 24, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–12903 Filed 5–30–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0019]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemption from the diabetes mellitus requirement; request for comments.

SUMMARY: FMCSA announces receipt of applications from 24 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before July 1, 2013.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0019 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 24 individuals listed in this notice have recently requested such an

exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statutes.

Qualifications of Applicants

Herlen D. Barner

Mr. Barner, 55, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Barner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Barner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL license from Tennessee.

Paul D. Blakeslee

Mr. Blakeslee, 42, has had ITDM since 1977. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Blakeslee understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Blakeslee meets the vision requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Alaska.

James W. Bledsoe

Mr. Bledsoe, 56, has had ITDM since 1990. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bledsoe understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bledsoe meets the vision requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Alabama.

Bryant M. Bosler

Mr. Bosler, 25, has had ITDM since 2004. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bosler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bosler meets the vision requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class C operator's license from Illinois.

Daniel L. Bosley

Mr. Bosley, 39, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bosley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bosley meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kentucky.

Richard J. Buckman

Mr. Buckman, 59, has had ITDM since 2009. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Buckman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Buckman meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Massachusetts.

Fred S. Carpenter

Mr. Carpenter, 58, has had ITDM since 2012. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Carpenter understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carpenter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New Jersey.

Verland G. Casper

Mr. Casper, 45, has had ITDM since 1991. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Casper understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Casper meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Wisconsin.

Kyle P. Cerra

Mr. Cerra, 26, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the

past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cerra understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cerra meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

David M. Galler

Mr. Galler, 64, has had ITDM since 2010. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Galler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Galler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

Raymond K. Harper

Mr. Harper, 56, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Harper understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Harper meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

Shane B. Henninger

Mr. Henninger, 49, has had ITDM since 1975. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Henninger understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Henninger meets the vision requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable proliferative diabetic retinopathy. He holds a Class B CDL from Iowa.

Ronald A. Hersch

Mr. Hersch, 63, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hersch understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hersch meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New Jersey.

Lucius L. Holmes, Jr.

Mr. Holmes, 73, has had ITDM since 2008. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Holmes understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Holmes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2012 and certified that he has stable non-proliferative diabetic retinopathy. He holds a Class B CDL from Virginia.

Jeffrey S. Hubbell

Mr. Hubbell, 49, has had ITDM since 2000. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hubbell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hubbell meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Jason L. Jarman

Mr. Jarman, 25, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Jarman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jarman meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Oklahoma.

Kevin T. Johnson

Mr. Johnson, 51, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Johnson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johnson meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class B CDL license from South Dakota.

Randall L. Krider

Mr. Krider, 58, has had ITDM since 2012. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Krider understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Krider meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class B CDL license from Indiana.

Jose R. Monroy

Mr. Monroy, 62, has had ITDM since 2010. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Monroy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Monroy meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Eric J. Mullins

Mr. Mullins, 37, has had ITDM since 2004. His endocrinologist examined him in 2012 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mullins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mullins meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Virginia.

William S. Panoch

Mr. Panoch, 47, has had ITDM since 2002. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Panoch understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Panoch meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

James E. Smith

Mr. Smith, 21, has had ITDM since 2005. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Smith understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2012 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

Kevin R. Treichel

Mr. Treichel, 38, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Treichel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Treichel meets the vision requirements of 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Iowa.

Thomas R. Yecker

Mr. Yecker, 41, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Yecker understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Yecker meets the vision requirements of 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441) [1]. The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 USC. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Issued on: May 22, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–12913 Filed 5–30–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2005–20560; FMCSA–2007–27515]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 15 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: July 1, 2013. Comments must be received on or before July 1, 2013.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2005–20560; FMCSA–2007–27515], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 15 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 15 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Roosevelt Bell, Jr. (NC)
Melvin M. Carter (WA)
Michael S. Crawford (IL)
Patrick J. Goebel (IA)
Wilbur J. Johnson (VA)
Dustin N. Sullivan (MD)
Jon C. Thompson (TX)
Tommy N. Whitworth (TX)
David K. Boswell (TN)
Bernabe V. Cerda (TX)
Rex A. Dyer (VT)
Thomas A. Gotto (IA)
Kenneth C. Reeves (OR)
Thomas E. Summers, Sr. (OH)
Daniel E. Watkins (FL)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date

and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 15 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (70 FR 17504; 70 FR 30997; 72 FR 21313; 72 FR 27624; 72 FR 32703; 74 FR 23472; 76 FR 32017). Each of these 15 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by July 1, 2013.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 15 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: May 24, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–12905 Filed 5–30–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35739]

BNSF Railway Company—Temporary Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP), pursuant to a written trackage rights agreement dated May 16, 2013, has agreed to grant temporary overhead trackage rights to BNSF Railway Company (BNSF) over: (1) UP's Black Butte Subdivision, between UP milepost 427.4 at Klamath Falls, Or., and UP milepost 321.4 at Dunsmuir, Cal.; and (2) UP's Valley Subdivision, between UP milepost 321.4 at Dunsmuir, Cal., and UP milepost 141.8 at Marysville, Cal., a total distance of 285.6 miles.

The transaction may be consummated on or after June 16, 2013, the effective date of the exemption (30 days after the verified notice of exemption was filed). The temporary trackage rights are scheduled to expire on June 23, 2013. The purpose of the temporary trackage rights is to permit BNSF to facilitate maintenance work on BNSF rail lines.

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk and Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway, Inc.—Lease and Operate—California Western Railroad,* 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it 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 June 7, 2013 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35739, 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 Karl Morell, Ball Janik LLP, 655 Fifteenth Street NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: May 24, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2013–12939 Filed 5–30–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Open Meeting of the Federal Advisory Committee on Insurance

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces that the Department of the Treasury's Federal Advisory Committee on Insurance will convene a meeting on Wednesday, June 12, 2013, in the Cash Room, 1500 Pennsylvania Avenue NW., Washington, DC, 20220, from 1:30–4:30 p.m. Eastern Time. The meeting is open to the public, and the site is accessible to individuals with disabilities.

DATES: The meeting will be held on Wednesday, June 12, 2013, from 1:30–4:30 p.m. Eastern Time.

ADDRESSES: The Federal Advisory Committee on Insurance meeting will be held in the Cash Room, 1500 Pennsylvania Avenue NW., Washington, DC 20220. The meeting will be open to the public. Because the meeting will be held in a secured facility, members of the public who plan to attend the meeting must contact the Federal Insurance Office (Office), at (202) 622–6910, by 5:00 p.m. Eastern Time on

Friday, June 7, 2013, to inform the Office of the desire to attend the meeting and to provide the information that will be required to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: James P. Brown, Senior Policy Advisor to the Federal Insurance Office, Room 2100, Department of the Treasury, 1425 New York Avenue NW., Washington, DC 20220, at (202) 622–6910 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. II, 10(a)(2), through implementing regulations at 41 CFR 102–3.150.

Public Comment: Members of the public wishing to comment on the business of the Federal Advisory Committee on Insurance are invited to submit written statements by any of the following methods:

Electronic Statements

• Send electronic comments to *faci@treasury.gov*

Paper Statements

• Send paper statements in triplicate to the Federal Advisory Committee on Insurance, Room 2100, Department of the Treasury, 1425 New York Avenue NW., Washington, DC 20220.

The Department of the Treasury will post all statements on its Web site *http://www.treasury.gov/about/organizational-structure/offices/Pages/Federal-Insurance.aspx* without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. The Department of the Treasury will also make such statements available for public inspection and copying in the Department of the Treasury's Library, 1500 Pennsylvania Avenue NW., Washington, DC 20220, on official business days between the hours of 10:00 a.m. and 5:00 p.m. Eastern Time. You can make an appointment to inspect statements by telephoning (202) 622–0990. All statements, including attachments and other supporting materials, received are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

Tentative Agenda/Topics for Discussion: This is a periodic meeting of the Federal Advisory Committee on Insurance. In this meeting, the Federal Advisory Committee on Insurance will: receive a report from the Hurricane Sandy Rebuilding Task Force; discuss the impact of global demographics on the insurance industry; receive a report on regulatory developments relating to reinsurance captives; and receive updates from its subcommittees.

Dated: May 24, 2013.

David G. Clunie,

Acting Executive Secretary.

[FR Doc. 2013–12877 Filed 5–30–13; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Bureau of Fiscal Service

Proposed Collection of Information: Assignment Form

AGENCY: Fiscal Service, Bureau of Fiscal Service, Treasury.

ACTION: Notice and request for comments.

SUMMARY: Bureau of Fiscal Service, 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 a continuing information collection. By this notice, the Fiscal Service solicits comments concerning the form ''Assignment Form.''

DATES: Written comments should be received on or before July 30, 2013.

ADDRESSES: Direct all written comments to Bureau of Fiscal Service, Records and Information Management Branch, Room 135, 3700 East West Highway, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Alberta A. Holloway, Acting Manager, Judgment Fund Branch, 3700 East West Highway, Room 6E15, Hyattsville, MD 20782, (202) 874–6664.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, (44 U.S.C. 3506(c)(2)(A)), the Fiscal Service solicits comments on the collection of information described below:

Title: Assignment Form.

OMB Number: 1510–0035.

Form Number: FMS 6314.

Abstract: This form is used when an awardholder wants to assign or transfer all or part of his/her award to another person. When this occurs, the awardholder forfeits all future rights to the portion assigned.

Current Actions: Extension of currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 150.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 75.

Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information 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.

Dated: May 28, 2013.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2013–12990 Filed 5–30–13; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Advisory Committee on Disability Compensation will meet on June 17–18, 2013, in Room 730 at the Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC. The sessions will begin at 8:30 a.m. and end at 4:30 p.m. on both days. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising during

service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation.

The Committee will receive briefings on issues related to compensation for Veterans with service-connected disabilities and other VA benefits programs. Time will be allocated for receiving public comments in the afternoon. Public comments will be limited to three minutes each. Individuals wishing to make oral statements before the Committee will be accommodated on a first-come, first-served basis. Individuals who speak are invited to submit 1–2 page summaries of their comments at the time of the meeting for inclusion in the official meeting record.

The public may submit written statements for the Committee's review to Nancy Copeland, Acting Designated Federal Officer, Department of Veterans Affairs, Veterans Benefits Administration, Compensation Service, Regulation Staff (211D), 810 Vermont Avenue NW., Washington, DC 20420 or email at *nancy.copeland@va.gov.* Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Therefore, you should allow an additional 15 minutes before the meeting begins. Any member of the public wishing to attend the meeting or seeking additional information should email Mrs. Copeland or call her at (202) 461–9685.

Dated: May 24, 2013.

By Direction of the Secretary.

Vivian Drake,

Committee Management Officer.

[FR Doc. 2013–12891 Filed 5–30–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974: Computer Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) provides notice that it intends to conduct a recurring computer-matching program matching Internal Revenue Service (IRS) Federal tax information with VA pension and parents' dependency and indemnity compensation records. The purpose of this match is to identify applicants and beneficiaries who have applied for or who are receiving VA benefits and received unearned income, and to adjust or terminate VA benefits, if appropriate.

DATES: The match will start no sooner than 30 days after publication of this notice in the **Federal Register**, or 40 days after copies of this notice and the agreement of the agencies are submitted to Congress and the Office of Management and Budget (OMB), whichever is later, and end not more than 18 months after the agreement is properly implemented by the agencies. The agencies' Data Integrity Boards (DIB) may extend this agreement for 12 months provided the agencies certify to their DIBs, within 3 months of the ending date of the original agreement, that the matching program will be conducted without change and that the matching program has been conducted in compliance with the original agreement.

ADDRESSES: Written comments may be submitted through *www.regulations.gov*; by mail or hand-delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Sharon Nicely, Pension Analyst, Pension and Fiduciary Service (21PF), Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420, (202) 632–8863.

SUPPLEMENTARY INFORMATION: VA plans to match records of applicants and beneficiaries who have applied for or who are receiving needs-based VA benefits, with unearned income information maintained by IRS. VA will use this information to verify income information submitted by applicants and beneficiaries and deny or adjust VA benefit payments as prescribed by law. The matching program will enable VA to ensure accurate reporting of income and employment status.

The legal authority to conduct this match is 38 U.S.C. 5106, which requires any Federal department or agency to provide VA information upon request for the purposes of determining eligibility for benefits or verifying other information that affects payment of benefits. In addition, 26 U.S.C. 6103(l)(7) authorizes IRS to disclose Federal tax information to VA.

VA records involved in the match are in ''Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA (58VA21/22/28),'' a system of records that was first published at 41 FR 9294 (March 3, 1976), amended and republished in its entirety at 77 FR 42593 (July 19, 2012). The IRS records are from the system of records identified as the Information Return Master File (IRMF)/IRS 22.061, as published at 73 FR 13302 (March 12, 2008), through the Disclosure of Information to Federal, State and Local Agencies (DIFSLA) program.

In accordance with the Privacy Act, 5 U.S.C. 552a(o)(2) and (r), VA is providing copies of the agreement to both Houses of Congress and to OMB. VA is publishing this **Federal Register** notice in accordance with 5 U.S.C. 552a(e)(12).

Signing Authority: The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Interim Chief of Staff, Department of Veterans Affairs, approved this document on May 20, 2013 for publication.

Dated: May 20, 2013.

Robert C. McFetridge,

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

[FR Doc. 2013–12306 Filed 5–30–13; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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No. 105 May 31, 2013

Part II

Department of Homeland Security

U.S. Customs and Border Protection

Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers; Notice

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of intent to distribute offset for Fiscal Year 2013.

SUMMARY: Pursuant to the Continued Dumping and Subsidy Offset Act of 2000, this document is U.S. Customs and Border Protection's notice of intent to distribute assessed antidumping or countervailing duties (known as the continued dumping and subsidy offset) for Fiscal Year 2013 in connection with countervailing duty orders, antidumping duty orders, or findings under the Antidumping Act of 1921. This document sets forth the case name and number of each order or finding for which funds may become available for distribution, together with the list of affected domestic producers, based on the list supplied by the United States International Trade Commission (USITC) associated with each order or finding, who are potentially eligible to receive a distribution. This document also provides the instructions for affected domestic producers (and anyone alleging eligibility to receive a distribution) to file certifications to claim a distribution in relation to the listed orders or findings.

DATES: Certifications to obtain a continued dumping and subsidy offset under a particular order or finding must be received by July 30, 2013. Any certification received after July 30, 2013 will be denied, making claimants ineligible for the distribution.

ADDRESSES: Certifications and any other correspondence (whether by mail, or an express or courier service) should be addressed to the Assistant Commissioner, Office of Administration, U.S. Customs and Border Protection, Revenue Division, Attention: Melissa Edwards, 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278.

FOR FURTHER INFORMATION CONTACT: Kim Cochenour, Revenue Division, 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278; telephone (317) 614–4462.

SUPPLEMENTARY INFORMATION:

Background

The Continued Dumping and Subsidy Offset Act of 2000 (CDSOA) was enacted on October 28, 2000, as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (the ''Act''). The provisions of the CDSOA are contained in title X (§§ 1001–1003) of the Act.

The CDSOA, in § 1003 of the Act, amended title VII of the Tariff Act of 1930, as amended, by adding a new § 754 (codified at 19 U.S.C. 1675c) in order to provide that assessed duties received pursuant to a countervailing duty order, an antidumping duty order, or a finding under the Antidumping Act of 1921 will be distributed to affected domestic producers for certain qualifying expenditures that these producers incur after the issuance of such an order or finding. The term ''affected domestic producer'' means any manufacturer, producer, farmer, rancher or worker representative (including associations of such persons) who:

(A) Was a petitioner or interested party in support of a petition with respect to which an antidumping order, a finding under the Antidumping Act of 1921, or a countervailing duty order that has been entered,

(B) remains in operation continuing to produce the product covered by a countervailing duty order, an antidumping duty order, or a finding under the Antidumping Act of 1921, and

(C) if a company, has not been acquired by another company or business that is related to a company that opposed the antidumping or countervailing duty investigation that led to the order or finding, e.g., opposed the petition or otherwise presented evidence in opposition to the petition.

The distribution that these parties may receive is known as the continued dumping and subsidy offset.

Section 7601(a) of the Deficit Reduction Act of 2005 repealed 19 U.S.C. 1675c. According to § 7701 of the Deficit Reduction Act, the repeal takes effect as if enacted on October 1, 2005. However, § 7601(b) provided that all duties collected on an entry filed before October 1, 2007, shall be distributed as if 19 U.S.C. 1675c had not been repealed by § 7601(a). The funds available for distribution were also affected by Section 822 of the Claims Resolution Act of 2010 and Section 504 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

Consequently, the full impact of the CDSOA repeal on amounts available for distribution may be delayed for several years. Because of the statutory constraints in the assessments of antidumping and countervailing duties, the distribution process will be continued for an undetermined period; however, the amount of money available for distribution can be expected to continue diminishing over time. It should also be noted that amounts distributed may be subject to recovery as a result of reliquidations, court actions, administrative errors, and other reasons. On March 1, 2013, President Obama ordered a sequestration of non-exempt budgetary resources for Fiscal Year 2013 pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The impact of sequestration upon the availability of Fiscal Year 2013 CDSOA funds for distribution is presently being reviewed.

List of Orders or Findings and Affected Domestic Producers

It is the responsibility of the U.S. International Trade Commission (USITC) to ascertain and timely forward to U.S. Customs and Border Protection (CBP) a list of the affected domestic producers that are potentially eligible to receive an offset in connection with an order or finding. In this regard, it is noted that USITC has supplied CBP with the list of individual antidumping and countervailing duty cases, and the affected domestic producers associated with each case who are potentially eligible to receive an offset. This list appears at the end of this document.

A significant amount of litigation has challenged various provisions of the CDSOA, most notably the definition of the term ''affected domestic producer.'' In two decisions, the Court of Appeals for the Federal Circuit (CAFC) upheld the constitutionality of the support requirement contained in the CDSOA. In *SKF USA, Inc.* v. *United States,* 556 F. 3d 1337 (Fed. Cir. 2009), the CAFC held that the CDSOA's support requirement did not violate either the First Amendment or the Fifth Amendment. The Supreme Court of the United States denied plaintiff's petition for certiorari, 2010 U.S. Lexis 3940 (May 17, 2010). In *PS Chez Sidney, L.L.C.* v. *United States,* 409 Fed. Appx. 327 (Fed. Cir. 2010), the CAFC summarily reversed the U.S. Court of International Trade's judgment that the support requirement was unconstitutional, allowing only plaintiff's non-constitutional claims to go forward. *See PS Chez Sidney, L.L.C.,* v. *United States,* 684 F.3d 1374 (Fed. Cir. 2012).

As a result, domestic producers who are not on the USITC list but believe they nonetheless are eligible for a CDSOA distribution under one or more antidumping and/or countervailing duty

cases are required, as are all potential claimants that expressly appear on the list, to properly file their certification(s) within 60 days after this notice is published. Such domestic producers must allege all other bases for eligibility in their certification(s). CBP will evaluate the merits of such claims in accordance with the relevant statutes, regulations, and decisions. Certifications that are not timely filed within the requisite 60 days and/or failing to sufficiently establish a basis for eligibility will be summarily denied. However, CBP may not make a final decision regarding a claimant's eligibility to receive funds until certain legal issues which may affect that claimant's eligibility are resolved. In these instances, CBP may withhold an amount of funds corresponding to the claimant's alleged pro rata share of funds from distribution pending the resolution of those legal issues.

It should also be noted that the CAFC ruled in *Canadian Lumber Trade Alliance* v. *United States,* 517 F.3d 1319 (Fed. Cir. 2008), *cert. denied sub nom. United States Steel* v. *Canadian Lumber Trade Alliance,* 129 S. Ct. 344 (2008), that CBP was not authorized to distribute such antidumping and countervailing duties to the extent they were derived from goods from countries that are parties to the North American Free Trade Agreement (NAFTA). Due to this decision, CBP will no longer list cases related to NAFTA on the Preliminary Amounts Available report, and no distributions will be issued on these cases.

Regulations Implementing the CDSOA

It is noted that CBP published Treasury Decision (T.D.) 01–68 (Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers) in the **Federal Register** (66 FR 48546) on September 21, 2001, which was effective as of that date, in order to implement the CDSOA. The final rule added a new subpart F to part 159 of title 19, Code of Federal Regulations (19 CFR part 159, subpart F (§§ 159.61–159.64)). More specific guidance regarding the filing of certifications is provided in this notice in order to aid affected domestic producers and other domestic producers alleging eligibility (''claimants'' or ''domestic producers'').

Notice of Intent To Distribute Offset

This document announces that CBP intends to distribute to affected domestic producers the assessed antidumping or countervailing duties that are available for distribution in Fiscal Year 2013 in connection with those antidumping duty orders or findings or countervailing duty orders that are listed in this document. All distributions will be issued by paper check to the address provided by the claimants. Section 159.62(a) of title 19 (19 CFR 159.62(a)) provides that CBP will publish such a notice of intention to distribute assessed duties at least 90 calendar days before the end of a fiscal year. Failure to publish the notice at least 90 calendar days before the end of the fiscal year will not impact an affected domestic producer's obligation to file a timely certification within 60 days after the notice is published. *See Dixon Ticonderoga* v. *United States,* 468 F.3d 1353, 1354 (Fed. Cir. 2006).

Certifications; Submission and Content

To obtain a distribution of the offset under a given order or finding, an affected domestic producer (and anyone alleging eligibility to receive a distribution) must submit a certification for each order or finding under which a distribution is sought, to CBP, indicating their desire to receive a distribution. To be eligible to obtain a distribution, certifications must be received by CBP no later than 60 calendar days after the date of publication of this notice of intent to distribute in the **Federal Register**. All certifications not received by the 60th day will not be eligible to receive a distribution.

As required by 19 CFR 159.62(b), this notice provides the case name and number of the order or finding concerned, as well as the specific instructions for filing a certification under § 159.63 to claim a distribution. Section 159.62(b) also provides that the dollar amounts subject to distribution that are contained in the Special Account for each listed order or finding are to appear in this notice. However, these dollar amounts were not available in time for inclusion in this publication. The preliminary amounts will be posted on the CBP Web site (*http://www.cbp.gov*). However, the final amounts available for disbursement may be higher or lower than the preliminary amounts.

CBP will provide general information to claimants regarding the preparation of certification(s). However, it remains the sole responsibility of the domestic producer to ensure that the certification is correct, complete, and accurate so as to demonstrate the eligibility of the domestic producer for the distribution requested. Failure to ensure that the certification is correct, complete, and accurate as provided in this notice will result in the domestic producer not receiving a distribution.

Specifically, to obtain a distribution of the offset under a given order or finding, each potential claimant must timely submit a certification containing the required information detailed below as to the eligibility of the domestic producer to receive the requested distribution and the total amount of the distribution that the domestic producer is claiming. Certifications should be submitted to the Assistant Commissioner, Office of Administration, U.S. Customs and Border Protection, Revenue Division. The certification must enumerate the qualifying expenditures incurred by the domestic producer since the issuance of an order or finding and it must demonstrate that the domestic producer is eligible to receive a distribution as an affected domestic producer or allege another basis for eligibility.

A successor to a company that was an affected domestic producer at the time of acquisition should consult 19 CFR 159.61(b)(1)(i). We note that the successor company may assume joint and several liability for the return of any overpayments arising under § 159.64(c)(3) that were previously paid to the predecessor. CBP may require the successor company to provide documents to support its eligibility to receive a distribution as set out in § 159.63(d).

A member company (or its successor) of an association that appears on the list of affected domestic producers in this notice, where the member company itself does not appear on this list, should consult 19 CFR 159.61(b)(1)(ii). Specifically, for a certification under 19 CFR 159.61(b)(1)(ii), the claimant must name the association of which it is a member and specifically establish that it was a member of the association at the time the association filed the petition with the USITC and establish that the company is a current member of the association. In order to promote accurate filings and more efficiently process the distributions, we offer the following guidance. If claimants are members of an association but the association does not file on their behalf, each association will need to provide their members with a statement that contains notarized company-specific information including dates of membership, and an original signature from an authorized representative of the association. An association filing a certification on behalf of a member must also provide a power of attorney or other evidence of legal authorization from each of the domestic producers it is representing. An association filing a certification on behalf of a member is responsible for verifying the accuracy of

the member's financial records, which support their claim, and is responsible for that certification. Any association filing a certification on behalf of a member is responsible for verifying the legal sufficiency and accuracy of the member's financial records, which support the claim and may be liable for repayment of any claim found to have been paid in error.

The association may file a certification in its own right to claim an offset for that order or finding, but its qualifying expenditures would be limited to those expenditures that the association itself has incurred after the date of the order or finding in connection with the particular case.

As provided in 19 CFR 159.63(a), certifications to obtain a distribution of an offset must be received by CBP no later than 60 calendar days after the date of publication of the notice of intent in the **Federal Register**. All certifications received after the 60-day deadline will be summarily denied, making claimants ineligible for the distribution regardless of whether or not they appeared on the USITC list.

A list of all certifications received will be published on the CBP Web site shortly after the receipt deadline. This publication will not confirm acceptance or validity of the certification, but merely receipt of the certification. Due to the high volume of certifications, CBP is unable to respond to individual telephone or written inquiries regarding the status of a certification appearing on the list.

While there is no required format for a certification, CBP has developed a standard certification form to aid claimants in filing certifications. The certification form is available at *http://www.pay.gov* under the Public Form Name ''Continued Dumping and Subsidy Offset Act of 2000 Certification'' or by directing a web browser to *https://www.pay.gov/paygov/forms/formInstance.html?&formRevisionId=21514933&file=1302794382215.pdf.* The certification form can be submitted electronically through *http://www.pay.gov* or by mail. All certifications not submitted electronically must include original signatures.

Regardless of the format for a certification, per 19 CFR 159.63(b), the certification must contain the following information:

1. The date of this **Federal Register** notice;
2. The Commerce case number;
3. The case name (producer/country);
4. The name of the domestic producer and any name qualifier, if applicable (for example, any other name under which the domestic producer does business or is also known);
5. The mailing address of the domestic producer (if a post office box, the physical street address must also appear) including, if applicable, a specific room number or department;
6. The Internal Revenue Service (IRS) number (with suffix) of the domestic producer, employer identification number, or social security number, as applicable;
7. The specific business organization of the domestic producer (corporation, partnership, sole proprietorship);
8. The name(s) of any individual(s) designated by the domestic producer as the contact person(s) concerning the certification, together with the phone number(s), mailing address, and, if available, facsimile transmission number(s) and electronic mail (email) address(es) for the person(s). Correspondence from CBP will be directed to the designated contact(s) by either mail or phone or both;
9. The total dollar amount claimed;
10. The dollar amount claimed by category, as described in the section below entitled ''Amount Claimed for Distribution'';
11. A statement of eligibility, as described in the section below entitled ''Eligibility to Receive Distribution''; and
12. For certifications not submitted electronically through *http://www.pay.gov,* an original signature by an individual legally authorized to bind the producer.

Qualifying Expenditures That May Be Claimed for Distribution

Qualifying expenditures that may be offset by a distribution of assessed antidumping and countervailing duties encompass those expenditures incurred by the domestic producer after issuance of an antidumping duty order or finding or a countervailing duty order, and prior to its termination, provided that such expenditures fall within certain categories. The repeal language parallels the termination of an order. Therefore, for duty orders or findings that have not been previously revoked, expenses must be incurred before October 1, 2007, to be eligible for offset. For duty orders or findings that have been revoked, expenses must be incurred before the effective date of the revocation to be eligible for offset. For example, assume for case A–331–802 certain frozen warm-water shrimp and prawns from Ecuador, that the order date is February 1, 2005, and that the revocation effective date is August 15, 2007. In this case, eligible expenditures would have to be incurred between February 1, 2005, and August 15, 2007.

For the convenience and ease of the domestic producers, CBP is providing guidance on what the agency takes into consideration when making a calculation for each of the following categories: (1) Manufacturing facilities (Any facility used for the transformation of raw material into a finished product that is the subject of the related order or finding); (2) Equipment (Goods that are used in a business environment to aid in the manufacturing of a product that is the subject of the related order or finding); (3) Research and development (Seeking knowledge and determining the best techniques for production of the product that is the subject of the related order or finding); (4) Personnel training (Teaching of specific useful skills to personnel, that will improve performance in the production process of the product that is the subject of the related order or finding); (5) Acquisition of technology (Acquisition of applied scientific knowledge and materials to achieve an objective in the production process of the product that is the subject of the related order or finding); (6) Health care benefits for employees paid for by the employer (Health care benefits paid to employees who are producing the specific product that is the subject of the related order or finding); (7) Pension benefits for employees paid for by the employer (Pension benefits paid to employees who are producing the specific product that is the subject of the related order or finding); (8) Environmental equipment, training, or technology (Equipment, training, or technology used in the production of the product that is the subject of the related order or finding, that will assist in preventing potentially harmful factors from impacting the environment); (9) Acquisition of raw materials and other inputs (Purchase of unprocessed materials or other inputs needed for the production of the product that is the subject of the related order or finding); and (10) Working capital or other funds needed to maintain production (Assets of a business that can be applied to its production of the product that is the subject of the related order or finding).

Amount Claimed for Distribution

In calculating the amount of the distribution being claimed as an offset, the certification must indicate: (1) The total amount of any qualifying expenditures previously certified by the domestic producer, and the amount certified by category; (2) The total amount of those expenditures which have been the subject of any prior

distribution for the order or finding being certified under 19 U.S.C. 1675c; and (3) The net amount for new and remaining qualifying expenditures being claimed in the current certification (the total amount previously certified as noted in item ''(1)'' above minus the total amount that was the subject of any prior distribution as noted in item ''(2)'' above). In accordance with 19 CFR 159.63(b)(2)(i)–(b)(2)(iii), CBP will deduct the amount of any prior distribution from the producer's claimed amount for that case. Total amounts disbursed by CBP under the CDSOA for Fiscal Years 2001 through 2012 are available on the CBP Web site.

Additionally, under 19 CFR 159.61(c), these qualifying expenditures must be related to the production of the same product that is the subject of the order or finding, with the exception of expenses incurred by associations which must be related to a specific case.

Eligibility To Receive Distribution

As noted, the certification must contain a statement that the domestic producer desires to receive a distribution and is eligible to receive the distribution as an affected domestic producer or on another legal basis. Also, the domestic producer must affirm that the net amount certified for distribution does not encompass any qualifying expenditures for which distribution has previously been made (19 CFR 159.63(b)(3)(i)).

Furthermore, under 19 CFR 159.63(b)(3)(ii), where a domestic producer files a separate certification for more than one order or finding using the same qualifying expenditures as the basis for distribution in each case, each certification must list all the other orders or findings where the producer is claiming the same qualifying expenditures.

Moreover, as required by 19 U.S.C. 1675c(b)(1) and 19 CFR 159.63(b)(3)(iii), the certification must include information as to whether the domestic producer remains in operation at the time the certifications are filed and continues to produce the product covered by the particular order or finding under which the distribution is sought. If a domestic producer is no longer in operation, or no longer produces the product covered by the order or finding, the producer will not be considered an affected domestic producer entitled to receive a distribution.

In addition, as required by 19 U.S.C. 1675c(b)(5) and 19 CFR 159.63(b)(3)(iii), the domestic producer must state whether it has been acquired by a company that opposed the investigation or was acquired by a business related to a company that opposed the investigation. If a domestic producer has been so acquired, the producer will not be considered an affected domestic producer entitled to receive a distribution. However, CBP may not make a final decision regarding a claimant's eligibility to receive funds until certain legal issues which may affect that claimant's eligibility are resolved. In these instances, CBP may withhold an amount of funds corresponding to the claimant's alleged pro rata share of funds from distribution pending the resolution of those legal issues.

The certification must be executed and dated by a party legally authorized to bind the domestic producer and it must state that the information contained in the certification is true and accurate to the best of the certifier's knowledge and belief under penalty of law, and that the domestic producer has records to support the qualifying expenditures being claimed (see section below entitled ''Verification of Certification'').

Moreover as provided in 19 CFR 159.64(b)(3), overpayments to affected domestic producers are recoverable by CBP and CBP reserves the right to use all available collection tools to recover overpayments. Overpayments may occur for a variety of reasons such as reliquidations, court actions, and administrative errors. With the diminishing of the amounts available over time, the likelihood that these events will require the recovery of funds previously distributed will increase. CBP considers the submission of a certification and the negotiation of any distribution checks received as acknowledgements and acceptance of the claimant's obligation to return those funds upon demand.

Review and Correction of Certification

A certification that is submitted in response to this notice of distribution and received within 60 calendar days after the date of publication of the notice in the **Federal Register** may, at CBP's sole discretion, be subject to review before acceptance to ensure that all informational requirements are complied with and that any amounts set forth in the certification for qualifying expenditures, including the amount claimed for distribution, appear to be correct. A certification that is found to be materially incorrect or incomplete will be returned to the domestic producer within 15 business days after the close of the 60 calendar-day filing period, as provided in 19 CFR 159.63(c). In making this determination, CBP will not speculate as to the reason for the error (e.g., intentional, typographical, etc.). CBP must receive a corrected certification from the domestic producer and/or an association filing on behalf of an association member within 10 business days from the date of the original denial letter. Failure to receive a corrected certification within 10 business days will result in denial of the certification at issue. It is the sole responsibility of the domestic producer to ensure that the certification is correct, complete, and satisfactory so as to demonstrate the eligibility of the domestic producer to the distribution requested. Failure to ensure that the certification is correct, complete, and satisfactory will result in the domestic producer not receiving a distribution.

Verification of Certification

Certifications are subject to CBP's verification. Claimants may also be required to provide copies of additional records for further review by CBP. Therefore, parties are required to maintain records supporting their claims for a period of five years after the filing of the certification (19 CFR 159.63(d)). The records must support each qualifying expenditure enumerated in the certification and they must support how the qualifying expenditures are determined to be related to the production of the product covered by the order or finding. Although CBP will accept comments and information from the public and other domestic producers, CBP retains complete discretion regarding the initiation and conduct of investigations stemming from such information.

Disclosure of Information in Certifications; Acceptance by Producer

The name of the claimant, the total dollar amount claimed by the party on the certification, as well as the total dollar amount that CBP actually disburses to that affected domestic producer as an offset, will be available for disclosure to the public, as specified in 19 CFR 159.63(e). To this extent, the submission of the certification is construed as an understanding and acceptance on the part of the domestic producer that this information will be disclosed to the public. Alternatively, a statement in a certification that this information is proprietary and exempt from disclosure will result in CBP's rejection of the certification.

List of Orders or Findings and Related Domestic Producers

The list of individual antidumping duty orders or findings and countervailing duty orders is set forth

below together with the affected domestic producers associated with each order or finding who are potentially eligible to receive an offset. Those domestic producers not on the list must allege another basis for eligibility in their certification.

Dated: May 17, 2013.

Eugene Schied,

Assistant Commissioner, Office of Administration.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–122–006	AA1921–49	Steel Jacks/Canada	Bloomfield Manufacturing (formerly Harrah Manufacturing).
			Seaburn Metal Products.
A–122–047	AA1921–127	Elemental Sulphur/Canada	Duval.
A–122–085	731–TA–3	Sugar and Syrups/Canada	Amstar Sugar.
A–122–401	731–TA–196	Red Raspberries/Canada	Northwest Food Producers' Association.
			Oregon Caneberry Commission.
			Rader Farms.
			Ron Roberts.
			Shuksan Frozen Food.
			Washington Red Raspberry Commission.
A–122–503	731–TA–263	Iron Construction Castings/Canada	Alhambra Foundry.
			Allegheny Foundry.
			Bingham & Taylor.
			Campbell Foundry.
			Charlotte Pipe & Foundry.
			Deeter Foundry.
			East Jordan Foundry.
			Le Baron Foundry.
			Municipal Castings.
			Neenah Foundry.
			Opelika Foundry.
			Pinkerton Foundry.
			Tyler Pipe.
			US Foundry & Manufacturing.
			Vulcan Foundry.
A–122–506	731–TA–276	Oil Country Tubular Goods/Canada	CF&I Steel.
			Copperweld Tubing.
			Cyclops.
			KPC.
			Lone Star Steel.
			LTV Steel.
			Maverick Tube.
			Quanex.
			US Steel.
A–122–601	731–TA–312	Brass Sheet and Strip/Canada	Allied Industrial Workers of America.
			American Brass.
			Bridgeport Brass.
			Chase Brass & Copper.
			Hussey Copper.
			International Association of Machinists & Aerospace Workers.
			Mechanics Educational Society of America (Local 56).
			The Miller Company.
			Olin.
			Revere Copper Products.
			United Steelworkers of America.
A–122–605	731–TA–367	Color Picture Tubes/Canada	Industrial Union Department, AFL–CIO.
			International Association of Machinists & Aerospace Workers.
			International Brotherhood of Electrical Workers.
			International Union of Electronic, Electrical, Technical, Salaried and Machine Workers.
			Philips Electronic Components Group.
			United Steelworkers of America.
			Zenith Electronics.
A–122–804	731–TA–422	Steel Rails/Canada	Bethlehem Steel.
			CF&I Steel.
A–122–814	731–TA–528	Pure Magnesium/Canada	Magnesium Corporation of America.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–122–822	731–TA–614 ...	Corrosion-Resistant Carbon Steel Flat Products/Canada.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–122–823	731–TA–575 ...	Cut-to-Length Carbon Steel Plate/Canada	Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A–122–830	731–TA–789 ...	Stainless Steel Plate in Coils/Canada	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless.
A–122–838	731–TA–928 ...	Softwood Lumber/Canada	71 Lumber Co. Almond Bros Lbr Co. Anthony Timberlands. Balfour Lbr Co. Ball Lumber. Banks Lumber Company. Barge Forest Products Co. Beadles Lumber Co. Bearden Lumber. Bennett Lumber. Big Valley Band Mill. Bighorn Lumber Co Inc. Blue Mountain Lumber. Buddy Bean Lumber. Burgin Lumber Co Ltd. Burt Lumber Company. C&D Lumber Co. Ceda-Pine Veneer. Cersosimo Lumber Co Inc. Charles Ingram Lumber Co Inc. Charleston Heart Pine. Chesterfield Lumber. Chips. Chocorua Valley Lumber Co. Claude Howard Lumber. Clearwater Forest Industries. CLW Inc. CM Tucker Lumber Corp. Coalition for Fair Lumber Imports Executive Committee. Cody Lumber Co. Collins Pine Co. Collums Lumber. Columbus Lumber Co. Contoocook River Lumber. Conway Guiteau Lumber. Cornwright Lumber Co.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Crown Pacific.
			Daniels Lumber Inc.
			Dean Lumber Co Inc.
			Deltic Timber Corporation.
			Devils Tower Forest Products.
			DiPrizio Pine Sales.
			Dorchester Lumber Co.
			DR Johnson Lumber.
			East Brainerd Lumber Co.
			East Coast Lumber Company.
			Eas-Tex Lumber.
			ECK Wood Products.
			Ellingson Lumber Co.
			Elliott Sawmilling.
			Empire Lumber Co.
			Evergreen Forest Products.
			Excalibur Shelving Systems Inc.
			Exley Lumber Co.
			FH Stoltze Land & Lumber Co.
			FL Turlington Lbr Co Inc.
			Fleming Lumber.
			Flippo Lumber.
			Floragen Forest Products.
			Frank Lumber Co.
			Franklin Timber Co.
			Fred Tebb & Sons.
			Fremont Sawmill.
			Frontier Resources.
			Garrison Brothers Lumber Co and Subsidiaries.
			Georgia Lumber.
			Gilman Building Products.
			Godfrey Lumber.
			Granite State Forest Prod Inc.
			Great Western Lumber Co.
			Greenville Molding Inc.
			Griffin Lumber Company.
			Guess Brothers Lumber.
			Gulf Lumber.
			Gulf States Paper.
			Guy Bennett Lumber.
			Hampton Resources.
			Hancock Lumber.
			Hankins Inc.
			Hankins Lumber Co.
			Harrigan Lumber.
			Harwood Products.
			Haskell Lumber Inc.
			Hatfield Lumber.
			Hedstrom Lumber.
			Herrick Millwork Inc.
			HG Toler & Son Lumber Co Inc.
			HG Wood Industries LLC.
			Hogan & Storey Wood Prod.
			Hogan Lumber Co.
			Hood Industries.
			HS Hofler & Sons Lumber Co Inc.
			Hubbard Forest Ind Inc.
			HW Culp Lumber Co.
			Idaho Veneer Co.
			Industrial Wood Products.
			Intermountain Res LLC.
			International Paper.
			J Franklin Jones Lumber Co Inc.
			Jack Batte & Sons Inc.
			Jasper Lumber Company.
			JD Martin Lumber Co.
			JE Jones Lumber Co.
			Jerry G Williams & Sons.
			JH Knighton Lumber Co.
			Johnson Lumber Company.
			Jordan Lumber & Supply.
			Joseph Timber Co.
			JP Haynes Lbr Co Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			JV Wells Inc. JW Jones Lumber. Keadle Lumber Enterprises. Keller Lumber. King Lumber Co. Konkolville Lumber. Langdale Forest Products. Laurel Lumber Company. Leavitt Lumber Co. Leesville Lumber Co. Limington Lumber Co. Longview Fibre Co. Lovell Lumber Co Inc. M Kendall Lumber Co. Manke Lumber Co. Marriner Lumber Co. Mason Lumber. MB Heath & Sons Lumber Co. MC Dixon Lumber Co Inc. Mebane Lumber Co Inc. Metcalf Lumber Co Inc. Millry Mill Co Inc. Moose Creek Lumber Co. Moose River Lumber. Morgan Lumber Co Inc. Mount Yonah Lumber Co. Nagel Lumber. New Kearsarge Corp. New South. Nicolet Hardwoods. Nieman Sawmills SD. Nieman Sawmills WY. North Florida. Northern Lights Timber & Lumber. Northern Neck Lumber Co. Ochoco Lumber Co. Olon Belcher Lumber Co. Owens and Hurst Lumber. Packaging Corp of America. Page & Hill Forest Products. Paper, Allied-Industrial, Chemical and Energy Workers International Union. Parker Lumber. Pate Lumber Co Inc. PBS Lumber. Pedigo Lumber Co. Piedmont Hardwood Lumber Co. Pine River Lumber Co. Pinecrest Lumber Co. Pleasant River Lumber Co. Pleasant Western Lumber Inc. Plum Creek Timber. Pollard Lumber. Portac. Potlatch. Potomac Supply. Precision Lumber Inc. Pruitt Lumber Inc. R Leon Williams Lumber Co. RA Yancey Lumber. Rajala Timber Co. Ralph Hamel Forest Products. Randy D Miller Lumber. Rappahannock Lumber Co. Regulus Stud Mills Inc. Riley Creek Lumber. Roanoke Lumber Co. Robbins Lumber. Robertson Lumber. Roseburg Forest Products Co. Rough & Ready. RSG Forest Products. Rushmore Forest Products.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			RY Timber Inc.
			Sam Mabry Lumber Co.
			Scotch Lumber.
			SDS Lumber Co.
			Seacoast Mills Inc.
			Seago Lumber.
			Seattle-Snohomish.
			Seneca Sawmill.
			Shaver Wood Products.
			Shearer Lumber Products.
			Shuqualak Lumber.
			SI Storey Lumber.
			Sierra Forest Products.
			Sierra Pacific Industries.
			Sigfridson Wood Products.
			Silver City Lumber Inc.
			Somers Lbr & Mfg Inc.
			South & Jones.
			South Coast.
			Southern Forest Industries Inc.
			Southern Lumber.
			St Laurent Forest Products.
			Starfire Lumber Co.
			Steely Lumber Co Inc.
			Stimson Lumber.
			Summit Timber Co.
			Sundance Lumber.
			Superior Lumber.
			Swanson Superior Forest Products Inc.
			Swift Lumber.
			Tamarack Mill.
			Taylor Lumber & Treating Inc.
			Temple-Inland Forest Products.
			Thompson River Lumber.
			Three Rivers Timber.
			Thrift Brothers Lumber Co Inc.
			Timco Inc.
			Tolleson Lumber.
			Toney Lumber.
			TR Miller Mill Co.
			Tradewinds of Virginia Ltd.
			Travis Lumber Co.
			Tree Source Industries Inc.
			Tri-State Lumber.
			TTT Studs.
			United Brotherhood of Carpenters and Joiners.
			Viking Lumber Co.
			VP Kiser Lumber Co.
			Walton Lumber Co Inc.
			Warm Springs Forest Products.
			Westvaco Corp.
			Wilkins, Kaiser & Olsen Inc.
			WM Shepherd Lumber Co.
			WR Robinson Lumber Co Inc.
			Wrenn Brothers Inc.
			Wyoming Sawmills.
			Yakama Forest Products.
			Younce & Ralph Lumber Co Inc.
			Zip-O-Log Mills Inc.
A–122–840	731–TA–954 ...	Carbon and Certain Alloy Steel Wire Rod/Canada	AmeriSteel.
			Birmingham Steel.
			Cascade Steel Rolling Mills.
			Connecticut Steel Corp.
			Co-Steel Raritan.
			GS Industries.
			Keystone Consolidated Industries.
			North Star Steel Texas.
			Nucor Steel-Nebraska (a division of Nucor Corp).
			Republic Technologies International.
			Rocky Mountain Steel Mills.
A–122–847	731–TA–1019B	Hard Red Spring Wheat/Canada	North Dakota Wheat Commission.
A–201–504	731–TA–297 ...	Porcelain-on-Steel Cooking Ware/Mexico	General Housewares.
A–201–601	731–TA–333 ...	Fresh Cut Flowers/Mexico	Burdette Coward.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			California Floral Council.
			Floral Trade Council.
			Florida Flower Association.
			Gold Coast Uanko Nursery.
			Hollandia Wholesale Florist.
			Manatee Fruit.
			Monterey Flower Farms.
			Topstar Nursery.
A–201–802	731–TA–451 ...	Gray Portland Cement and Clinker/Mexico	Alamo Cement.
			Blue Circle.
			BoxCrow Cement.
			Calaveras Cement.
			Capitol Aggregates.
			Centex Cement.
			Florida Crushed Stone.
			Gifford-Hill.
			Hanson Permanente Cement.
			Ideal Basic Industries.
			Independent Workers of North America (Locals 49, 52, 89, 192 and 471).
			International Union of Operating Engineers (Local 12).
			National Cement Company of Alabama.
			National Cement Company of California.
			Phoenix Cement.
			Riverside Cement.
			Southdown.
			Tarmac America.
			Texas Industries.
A–201–805	731–TA–534 ...	Circular Welded Nonalloy Steel Pipe/Mexico	Allied Tube & Conduit.
			American Tube.
			Bull Moose Tube.
			Century Tube.
			CSI Tubular Products.
			Cyclops.
			Laclede Steel.
			LTV Tubular Products.
			Maruichi American.
			Sharon Tube.
			USX.
			Western Tube & Conduit.
			Wheatland Tube.
A–201–806	731–TA–547 ...	Carbon Steel Wire Rope/Mexico	Bridon American.
			Macwhyte.
			Paulsen Wire Rope.
			The Rochester Corporation.
			United Automobile, Aerospace and Agricultural Implement Workers (Local 960).
			Williamsport.
			Wire-rope Works.
			Wire Rope Corporation of America.
A–201–809	731–TA–582 ...	Cut-to-Length Carbon Steel Plate/Mexico	Bethlehem Steel.
			California Steel Industries.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Inland Steel Industries.
			Lukens Steel.
			National Steel.
			Nextech.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
A–201–817	731–TA–716 ...	Oil Country Tubular Goods/Mexico	IPSCO.
			Koppel Steel.
			Maverick Tube.
			Newport Steel.
			North Star Steel.
			US Steel.
			USS/Kobe.
A–201–820	731–TA–747 ...	Fresh Tomatoes/Mexico	Accomack County Farm Bureau.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Ad Hoc Group of Florida, California, Georgia, Pennsylvania, South Carolina, Tennessee and Virginia Tomato Growers. Florida Farm Bureau Federation. Florida Fruit and Vegetable Association. Florida Tomato Exchange. Florida Tomato Growers Exchange. Gadsden County Tomato Growers Association. South Carolina Tomato Association.
A–201–822	731–TA–802 ...	Stainless Steel Sheet and Strip/Mexico	Allegheny Ludlum. Armco. Bethlehem Steel. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America.
A–201–827	731–TA–848 ...	Large-Diameter Carbon Steel Seamless Pipe/Mexico	North Star Steel. Timken. US Steel. United Steelworkers of America. USS/Kobe.
A–201–828	731–TA–920 ...	Welded Large Diameter Line Pipe/Mexico	American Cast Iron Pipe. Berg Steel Pipe. Bethlehem Steel. Napa Pipe/Oregon Steel Mills. Saw Pipes USA. Stupp. US Steel.
A–201–830	731–TA–958 ...	Carbon and Certain Alloy Steel Wire Rod/Mexico	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A–201–831	731–TA–1027	Prestressed Concrete Steel Wire Strand/Mexico	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
A–201–834	731–TA–1085	Purified Carboxymethylcellulose/Mexico	Aqualon Co a Division of Hercules Inc.
A–274–804	731–TA–961 ...	Carbon and Certain Alloy Steel Wire Rod/Trinidad & Tobago.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A–301–602	731–TA–329 ...	Fresh Cut Flowers/Colombia	Burdette Coward. California Floral Council. Floral Trade Council. Florida Flower Association. Gold Coast Uanko Nursery. Hollandia Wholesale Florist. Manatee Fruit. Monterey Flower Farms. Pajaro Valley Greenhouses. Topstar Nursery.
A–307–803	731–TA–519 ...	Gray Portland Cement and Clinker/Venezuela	Florida Crushed Stone. Southdown. Tarmac America.
A–307–805	731–TA–537 ...	Circular Welded Nonalloy Steel Pipe/Venezuela	Allied Tube & Conduit. American Tube. Bull Moose Tube. Century Tube.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			CSI Tubular Products.
			Cyclops.
			Laclede Steel.
			LTV Tubular Products.
			Maruichi American.
			Sharon Tube.
			USX.
			Western Tube & Conduit.
			Wheatland Tube.
A–307–807	731–TA–570 ...	Ferrosilicon/Venezuela	AIMCOR.
			Alabama Silicon.
			American Alloys.
			Globe Metallurgical.
			Oil, Chemical and Atomic Workers (Local 389).
			Silicon Metaltech.
			United Autoworkers of America (Local 523).
			United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A–307–820	731–TA–931 ...	Silicomanganese/Venezuela	Eramet Marietta.
			Paper, Allied-Industrial, Chemical and Energy Workers.
			International Union, Local 5–0639.
A–331–602	731–TA–331 ...	Fresh Cut Flowers/Ecuador	Burdette Coward.
			California Floral Council.
			Floral Trade Council.
			Florida Flower Association.
			Gold Coast Uanko Nursery.
			Hollandia Wholesale Florist.
			Manatee Fruit.
			Monterey Flower Farms.
			Topstar Nursery.
A–337–803	731–TA–768 ...	Fresh Atlantic Salmon/Chile	Atlantic Salmon of Maine.
			Cooke Aquaculture US.
			DE Salmon.
			Global Aqua USA.
			Island Aquaculture.
			Maine Coast Nordic.
			Scan Am Fish Farms.
			Treats Island Fisheries.
			Trumpet Island Salmon Farm.
A–337–804	731–TA–776 ...	Preserved Mushrooms/Chile	LK Bowman.
			Modern Mushroom Farms.
			Monterey Mushrooms.
			Mount Laurel Canning.
			Mushroom Canning.
			Southwood Farms.
			Sunny Dell Foods.
			United Canning.
A–337–806	731–TA–948 ...	Individually Quick Frozen Red Raspberries/Chile	A&A Berry Farms.
			Bahler Farms.
			Bear Creek Farms.
			David Burns.
			Columbia Farms.
			Columbia Fruit.
			George Culp.
			Dobbins Berry Farm.
			Enfield.
			Firestone Packing.
			George Hoffman Farms.
			Heckel Farms.
			Wendell Kreder.
			Curt Maberry.
			Maberry Packing.
			Mike & Jean's.
			Nguyen Berry Farms.
			Nick's Acres.
			North Fork.
			Parson Berry Farm.
			Pickin 'N' Pluckin.
			Postage Stamp Farm.
			Rader.
			RainSweet.
			Scenic Fruit.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Silverstar Farms.
			Tim Straub.
			Thoeny Farms.
			Townsend.
			Tsugawa Farms.
			Updike Berry Farms.
			Van Laeken Farms.
A–351–503	731–TA–262 ...	Iron Construction Castings/Brazil	Alhambra Foundry.
			Allegheny Foundry.
			Bingham & Taylor.
			Campbell Foundry.
			Charlotte Pipe & Foundry.
			Deeter Foundry.
			East Jordan Foundry.
			Le Baron Foundry.
			Municipal Castings.
			Neenah Foundry.
			Opelika Foundry.
			Pinkerton Foundry.
			Tyler Pipe.
			US Foundry & Manufacturing.
			Vulcan Foundry.
A–351–505	731–TA–278 ...	Malleable Cast Iron Pipe Fittings/Brazil	Grinnell.
			Stanley G Flagg.
			Stockham Valves & Fittings.
			U-Brand.
			Ward Manufacturing.
A–351–602	731–TA–308 ...	Carbon Steel Butt-Weld Pipe Fittings/Brazil	Ladish.
			Mills Iron Works.
			Steel Forgings.
			Tube Forgings of America.
			Weldbend.
A–351–603	731–TA–311 ...	Brass Sheet and Strip/Brazil	Allied Industrial Workers of America.
			American Brass.
			Bridgeport Brass.
			Chase Brass & Copper.
			Hussey Copper.
			International Association of Machinists & Aerospace Workers.
			Mechanics Educational Society of America (Local 56).
			The Miller Company.
			Olin.
			Revere Copper Products.
			United Steelworkers of America.
A–351–605	731–TA–326 ...	Frozen Concentrated Orange Juice/Brazil	Alcoma Packing.
			B&W Canning.
			Berry Citrus Products.
			Caulkins Indiantown Citrus.
			Citrus Belle.
			Citrus World.
			Florida Citrus Mutual.
A–351–804	731–TA–439 ...	Industrial Nitrocellulose/Brazil	Hercules.
A–351–806	731–TA–471 ...	Silicon Metal/Brazil	American Alloys.
			Globe Metallurgical.
			International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693).
			Oil, Chemical and Atomic Workers (Local 389).
			Silicon Metaltech.
			SiMETCO.
			Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60).
			United Steelworkers of America (Locals 5171, 8538 and 12646).
A–351–809	731–TA–532 ...	Circular Welded Nonalloy Steel Pipe/Brazil	Allied Tube & Conduit.
			American Tube.
			Bull Moose Tube.
			Century Tube.
			CSI Tubular Products.
			Cyclops.
			Laclede Steel.
			LTV Tubular Products.
			Maruichi American.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Sharon Tube.
			USX.
			Western Tube & Conduit.
			Wheatland Tube.
A–351–817	731–TA–574 ...	Cut-to-Length Carbon Steel Plate/Brazil	Bethlehem Steel.
			California Steel Industries.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Inland Steel Industries.
			Lukens Steel.
			National Steel.
			Nextech.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
A–351–819	731–TA–636 ...	Stainless Steel Wire Rod/Brazil	AL Tech Specialty Steel.
			Armco Steel.
			Carpenter Technology.
			Republic Engineered Steels.
			Talley Metals Technology.
			United Steelworkers of America.
A–351–820	731–TA–641 ...	Ferrosilicon/Brazil	AIMCOR.
			Alabama Silicon.
			American Alloys.
			Globe Metallurgical.
			Oil, Chemical and Atomic Workers (Local 389).
			Silicon Metaltech.
			United Autoworkers of America (Local 523).
			United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A–351–824	731–TA–671 ...	Silicomanganese/Brazil	Elkem Metals.
			Oil, Chemical and Atomic Workers (Local 3–639).
A–351–825	731–TA–678 ...	Stainless Steel Bar/Brazil	AL Tech Specialty Steel.
			Carpenter Technology.
			Crucible Specialty Metals.
			Electralloy.
			Republic Engineered Steels.
			Slater Steels.
			Talley Metals Technology.
			United Steelworkers of America.
A–351–826	731–TA–708 ...	Seamless Pipe/Brazil	Koppel Steel.
			Quanex.
			Timken.
			United States Steel.
A–351–828	731–TA–806 ...	Hot-Rolled Carbon Steel Flat Products/Brazil	Acme Steel.
			Bethlehem Steel.
			California Steel Industries.
			Gallatin Steel.
			Geneva Steel.
			Gulf States Steel.
			Independent Steelworkers.
			IPSCO.
			Ispat/Inland.
			LTV Steel.
			National Steel.
			Nucor.
			Rouge Steel Co.
			Steel Dynamics.
			US Steel.
			United Steelworkers of America.
			WCI Steel.
			Weirton Steel.
			Wheeling-Pittsburgh Steel Corp.
A–351–832	731–TA–953 ...	Carbon and Certain Alloy Steel Wire Rod/Brazil	AmeriSteel.
			Birmingham Steel.
			Cascade Steel Rolling Mills.
			Connecticut Steel Corp.
			Co-Steel Raritan.
			GS Industries.
			Keystone Consolidated Industries.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			North Star Steel Texas.
			Nucor Steel-Nebraska (a division of Nucor Corp).
			Republic Technologies International.
			Rocky Mountain Steel Mills.
A–351–837	731–TA–1024	Prestressed Concrete Steel Wire Strand/Brazil	American Spring Wire Corp.
			Insteel Wire Products Co.
			Sivaco Georgia LLC.
			Strand Tech Martin Inc.
			Sumiden Wire Products Corp.
A–351–840	731–TA–1089	Certain Orange Juice/Brazil	A Duda & Sons Inc.
			Alico Inc.
			John Barnelt.
			Ben Hill Griffin Inc.
			Bliss Citrus.
			BTS A Florida General Partnership.
			Cain Groves.
			California Citrus Mutual.
			Cedar Haven Inc.
			Citrus World Inc.
			Clonts Groves Inc.
			Davis Enterprises Inc.
			D Edwards Dickinson.
			Evans Properties Inc.
			Florida Citrus Commission.
			Florida Citrus Mutual.
			Florida Farm Bureau Federation.
			Florida Fruit & Vegetable Association.
			Florida State of Department of Citrus.
			Flying V Inc.
			GBS Groves Inc.
			Graves Brothers Co.
			H&S Groves.
			Hartwell Groves Inc.
			Holly Hill Fruit Products Co.
			Jack Melton Family Inc.
			K-Bob Inc.
			L Dicks Inc.
			Lake Pickett Partnership Inc.
			Lamb Revocable Trust Gerilyn Rebecca S Lamb/ Trustee.
			Lykes Bros Inc.
			Martin J McKenna.
			Orange & Sons Inc.
			Osgood Groves.
			William W Parshall.
			PH Freeman & Sons.
			Pierie Grove.
			Raymond & Melissa Pierie.
			Roper Growers Cooperative.
			Royal Brothers Groves.
			Seminole Tribe of Florida Inc.
			Silverman Groves/Rilla Cooper.
			Smoak Groves Inc.
			Sorrells Groves Inc.
			Southern Gardens Groves Corp.
			Southern Gardens Processing Corp.
			Southern Groves Citrus.
			Sun Ag Inc.
			Sunkist Growers Inc.
			Texas Citrus Exchange.
			Texas Citrus Mutual.
			Texas Produce Association.
			Travis Wise Management Inc.
			Uncle Matt's Fresh Inc.
			Varn Citrus Growers Inc.
A–357–007	731–TA–157 ...	Carbon Steel Wire Rod/Argentina	Atlantic Steel.
			Continental Steel.
			Georgetown Steel.
			North Star Steel.
			Raritan River Steel.
A–357–405	731–TA–208 ...	Barbed Wire and Barbless Wire Strand/Argentina	CF&I Steel.
			Davis Walker.
			Forbes Steel & Wire.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Oklahoma Steel Wire.
A–357–802	731–TA–409 ...	Light-Walled Rectangular Tube/Argentina	Bull Moose Tube.
			Hannibal Industries.
			Harris Tube.
			Maruichi American.
			Searing Industries.
			Southwestern Pipe.
			Western Tube & Conduit.
A–357–804	731–TA–470 ...	Silicon Metal/Argentina	American Alloys.
			Elkem Metals.
			Globe Metallurgical.
			International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693).
			Oil, Chemical and Atomic Workers (Local 389).
			Silicon Metaltech.
			SiMETCO.
			SKW Alloys.
			Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60).
			United Steelworkers of America (Locals 5171, 8538 and 12646).
A–357–809	731–TA–707 ...	Seamless Pipe/Argentina	Koppel Steel.
			Quanex.
			Timken.
			United States Steel.
A–357–810	731–TA–711 ...	Oil Country Tubular Goods/Argentina	IPSCO.
			Koppel Steel.
			Lone Star Steel.
			Maverick Tube.
			Newport Steel.
			North Star Steel.
			US Steel.
			USS/Kobe.
A–357–812	731–TA–892 ...	Honey/Argentina	AH Meyer & Sons.
			Adee Honey Farms.
			Althoff Apiaries.
			American Beekeeping Federation.
			American Honey Producers Association.
			Anderson Apiaries.
			Arroyo Apiaries.
			Artesian Honey Producers.
			B Weaver Apiaries.
			Bailey Enterprises.
			Barkman Honey.
			Basler Honey Apiary.
			Beals Honey.
			Bears Paw Apiaries.
			Beaverhead Honey.
			Bee Biz.
			Bee Haven Honey.
			Belliston Brothers Apiaries.
			Big Sky Honey.
			Bill Rhodes Honey.
			Richard E Blake.
			Curt Bronnenbery.
			Brown's Honey Farms.
			Brumley's Bees.
			Buhmann Apiaries.
			Carys Honey Farms.
			Chaparrel Honey.
			Charles Apiaries.
			Mitchell Charles.
			Collins Honey.
			Conor Apiaries.
			Coy's Honey Farm.
			Dave Nelson Apiaries.
			Delta Bee.
			Eisele's Pollination & Honey.
			Ellingsoa's.
			Elliott Curtis & Sons.
			Charles L Emmons, Sr.
			Gause Honey.
			Gene Brandi Apiaries.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Griffith Honey.
			Haff Apiaries.
			Hamilton Bee Farms.
			Hamilton Honey.
			Happie Bee.
			Harvest Honey.
			Harvey's Honey.
			Hiatt Honey.
			Hoffman Honey.
			Hollman Apiaries.
			Honey House.
			Honeybee Apiaries.
			Gary M Honl.
			Rand William Honl and Sydney Jo Honl.
			James R & Joann Smith Trust.
			Jaynes Bee Products.
			Johnston Honey Farms.
			Larry Johnston.
			Ke-An Honey.
			Kent Honeybees.
			Lake-Indianhead Honey Farms.
			Lamb's Honey Farm.
			Las Flores Apiaries.
			Mackrill Honey Farms & Sales.
			Raymond Marquette.
			Mason & Sons Honey.
			McCoy's Sunny South Apiaries.
			Merrimack Valley Apiaries & Evergreen Honey.
			Met 2 Honey Farm.
			Missouri River Honey.
			Mitchell Brothers Honey.
			Monda Honey Farm.
			Montana Dakota Honey.
			Northern Bloom Honey.
			Noye's Apiaries.
			Oakes Honey.
			Oakley Honey Farms.
			Old Mill Apiaries.
			Opp Honey.
			Oro Dulce.
			Peterson's "Naturally Sweet" Honey.
			Potoczak Bee Farms.
			Price Apiaries.
			Pure Sweet Honey Farms.
			Robertson Pollination Service.
			Robson Honey.
			William Robson.
			Rosedale Apiaries.
			Ryan Apiaries.
			Schmidt Honey Farms.
			Simpson Apiaries.
			Sioux Honey Association.
			Smoot Honey.
			Solby Honey.
			Stahlman Apiaries.
			Steve E Parks Apiaries.
			Stroope Bee & Honey.
			T&D Honey Bee.
			Talbott's Honey.
			Terry Apiaries.
			Thompson Apiaries.
			Triple A Farm.
			Tropical Blossom Honey.
			Tubbs Apiaries.
			Venable Wholesale.
			Walter L Wilson Buzz 76 Apiaries.
			Wiebersiek Honey Farms.
			Wilmer Farms.
			Brent J Woodworth.
			Wooten's Golden Queens.
			Yaddof Apiaries.
A–357–814	731–TA–898 ...	Hot-Rolled Steel Products/Argentina	Bethlehem Steel.
			Gallatin Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Independent Steelworkers.
			IPSCO.
			LTV Steel.
			National Steel.
			Nucor.
			Rouge Steel Co.
			Steel Dynamics.
			US Steel.
			United Steelworkers of America.
			WCI Steel Inc.
			Weirton Steel.
			Wheeling-Pittsburgh Steel Corp.
A–401–040	AA1921–114 ...	Stainless Steel Plate/Sweden	Jessop Steel.
A–401–601	731–TA–316 ...	Brass Sheet and Strip/Sweden	Allied Industrial Workers of America.
			American Brass.
			Bridgeport Brass.
			Chase Brass & Copper.
			Hussey Copper.
			International Association of Machinists & Aerospace Workers.
			Mechanics Educational Society of America (Local 56).
			The Miller Company.
			Olin.
			Revere Copper Products.
			United Steelworkers of America.
A–401–603	731–TA–354 ...	Stainless Steel Hollow Products/Sweden	AL Tech Specialty Steel.
			Allegheny Ludlum Steel.
			ARMCO.
			Carpenter Technology.
			Crucible Materials.
			Damacus Tubular Products.
			Specialty Tubing Group.
A–401–801	731–TA–397–A	Ball Bearings/Sweden	Barden Corp.
			Emerson Power Transmission.
			Kubar Bearings.
			MPB.
			Rollway Bearings.
			Torrington.
A–401–801	731–TA–397–B	Cylindrical Roller Bearings/Sweden	Barden Corp.
			Emerson Power Transmission.
			MPB.
			Rollway Bearings.
			Torrington.
A–401–805	731–TA–586 ...	Cut-to-Length Carbon Steel Plate/Sweden	Bethlehem Steel.
			California Steel Industries.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Inland Steel Industries.
			Lukens Steel.
			National Steel.
			Nextech.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
A–401–806	731–TA–774 ...	Stainless Steel Wire Rod/Sweden	AL Tech Specialty Steel.
			Carpenter Technology.
			Republic Engineered Steels.
			Talley Metals Technology.
			United Steelworkers of America.
A–401–808	731–TA–1087	Purified Carboxymethylcellulose/Sweden	Aqualon Co a Division of Hercules Inc.
A–403–801	731–TA–454 ...	Fresh and Chilled Atlantic Salmon/Norway	Heritage Salmon.
			The Coalition for Fair Atlantic Salmon Trade.
A–405–802	731–TA–576 ...	Cut-to-Length Carbon Steel Plate/Finland	Bethlehem Steel.
			California Steel Industries.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Inland Steel Industries.
			Lukens Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			National Steel.
			Nextech.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
A–405–803	731–TA–1084	Purified Carboxymethylcellulose/Finland	Aqualon Co a Division of Hercules Inc.
A–412–801	731–TA–399–A	Ball Bearings/United Kingdom	Barden Corp.
			Emerson Power Transmission.
			Kubar Bearings.
			McGill Manufacturing Co.
			MPB.
			Rexnord Inc.
			Rollway Bearings.
			Torrington.
A–412–801	731–TA–399–B	Cylindrical Roller Bearings/United Kingdom	Barden Corp.
			Emerson Power Transmission.
			MPB.
			Rollway Bearings.
			Torrington.
A–412–803	731–TA–443 ...	Industrial Nitrocellulose/United Kingdom	Hercules.
A–412–805	731–TA–468 ...	Sodium Thiosulfate/United Kingdom	Calabrian.
A–412–814	731–TA–587 ...	Cut-to-Length Carbon Steel Plate/United Kingdom	Bethlehem Steel.
			California Steel Industries.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Inland Steel Industries.
			Lukens Steel.
			National Steel.
			Nextech.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
A–412–818	731–TA–804 ...	Stainless Steel Sheet and Strip/United Kingdom	Allegheny Ludlum.
			Armco Steel.
			Bethlehem Steel.
			Butler Armco Independent Union.
			Carpenter Technology Corp.
			J&L Specialty Steel.
			North American Stainless.
			United Steelworkers of America.
			Zanesville Armco Independent Organization.
A–412–822	731–TA–918 ...	Stainless Steel Bar/United Kingdom	Carpenter Technology.
			Crucible Specialty Metals.
			Electralloy.
			Empire Specialty Steel.
			Republic Technologies International.
			Slater Steels.
			United Steelworkers of America.
A–421–701	731–TA–380 ...	Brass Sheet and Strip/Netherlands	Allied Industrial Workers of America.
			American Brass.
			Bridgeport Brass.
			Chase Brass & Copper.
			Hussey Copper.
			International Association of Machinists & Aerospace Workers.
			Mechanics Educational Society of America (Local 56).
			The Miller Company.
			North Coast Brass & Copper.
			Olin.
			Pegg Metals.
			Revere Copper Products.
			United Steelworkers of America.
A–421–804	731–TA–608 ...	Cold-Rolled Carbon Steel Flat Products/Netherlands	Armco Steel.
			Bethlehem Steel.
			California Steel Industries.
			Gulf States Steel.
			Inland Steel Industries.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			LTV Steel.
			National Steel.
			Nextech.
			Rouge Steel Co.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
			WCI Steel.
			Weirton Steel.
A–421–805	731–TA–652	Aramid Fiber/Netherlands	E I du Pont de Nemours.
A–421–807	731–TA–903	Hot-Rolled Steel Products/Netherlands	Bethlehem Steel.
			Gallatin Steel.
			Independent Steelworkers.
			IPSCO.
			LTV Steel.
			National Steel.
			Nucor.
			Rouge Steel Co.
			Steel Dynamics.
			US Steel.
			United Steelworkers of America.
			WCI Steel Inc.
			Weirton Steel.
			Wheeling-Pittsburgh Steel Corp.
A–421–811	731–TA–1086	Purified Carboxymethylcellulose/Netherlands	Aqualon Co a Division of Hercules Inc.
A–423–077	AA1921–198	Sugar/Belgium	Florida Sugar Marketing and Terminal Association.
A–423–602	731–TA–365	Industrial Phosphoric Acid/Belgium	Albright & Wilson.
			FMC.
			Hydrite Chemical.
			Monsanto.
			Stauffer Chemical.
A–423–805	731–TA–573	Cut-to-Length Carbon Steel Plate/Belgium	Bethlehem Steel.
			California Steel Industries.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Inland Steel Industries.
			Lukens Steel.
			National Steel.
			Nextech.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
A–423–808	731–TA–788	Stainless Steel Plate in Coils/Belgium	Allegheny Ludlum.
			Armco Steel.
			Lukens Steel.
			North American Stainless.
			United Steelworkers of America.
A–427–001	731–TA–44	Sorbitol/France	Lonza.
			Pfizer.
A–427–009	731–TA–96	Industrial Nitrocellulose/France	Hercules.
A–427–078	AA1921–199	Sugar/France	Florida Sugar Marketing and Terminal Association.
A–427–098	731–TA–25	Anhydrous Sodium Metasilicate/France	PQ.
A–427–602	731–TA–313	Brass Sheet and Strip/France	Allied Industrial Workers of America.
			American Brass.
			Bridgeport Brass.
			Chase Brass & Copper.
			Hussey Copper.
			International Association of Machinists & Aerospace Workers.
			Mechanics Educational Society of America (Local 56).
			The Miller Company.
			Olin.
			Revere Copper Products.
			United Steelworkers of America.
A–427–801	731–TA–392–A	Ball Bearings/France	Barden Corp.
			Emerson Power Transmission.
			Kubar Bearings.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A–427–801	731–TA–392–B	Cylindrical Roller Bearings/France	Barden Corp. Emerson Power Transmission. MPB. Rollway Bearings. Torrington.
A–427–801	731–TA–392–C	Spherical Plain Bearings/France	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. Rexnord Inc. Rollway Bearings. Torrington.
A–427–804	731–TA–553 ...	Hot-Rolled Lead and Bismuth Carbon Steel Products/France.	Bethlehem Steel. Inland Steel Industries. USS/Kobe Steel.
A–427–808	731–TA–615 ...	Corrosion-Resistant Carbon Steel Flat Products/France.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–427–811	731–TA–637 ...	Stainless Steel Wire Rod/France	AL Tech Specialty Steel. Armco Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–427–814	731–TA–797 ...	Stainless Steel Sheet and Strip/France	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A–427–816	731–TA–816 ...	Cut-to-Length Carbon Steel Plate/France	Bethlehem Steel. Geneva Steel. IPSCO Steel. National Steel. US Steel. United Steelworkers of America.
A–427–818	731–TA–909 ...	Low Enriched Uranium/France	United States Enrichment Corp. USEC Inc.
A–427–820	731–TA–913 ...	Stainless Steel Bar/France	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
A–428–082	AA1921–200 ...	Sugar/Germany	Florida Sugar Marketing and Terminal Association.
A–428–602	731–TA–317 ...	Brass Sheet and Strip/Germany	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			International Association of Machinists & Aerospace Workers.
			Mechanics Educational Society of America (Local 56).
			The Miller Company.
			Olin.
			Revere Copper Products.
			United Steelworkers of America.
A–428–801	731–TA–391–A	Ball Bearings/Germany	Barden Corp.
			Emerson Power Transmission.
			Kubar Bearings.
			McGill Manufacturing Co.
			MPB.
			Rexnord Inc.
			Rollway Bearings.
			Torrington.
A–428–801	731–TA–391–B	Cylindrical Roller Bearings/Germany	Barden Corp.
			Emerson Power Transmission.
			MPB.
			Rollway Bearings.
			Torrington.
A–428–801	731–TA–391–C	Spherical Plain Bearings/Germany	Barden Corp.
			Emerson Power Transmission.
			Rollway Bearings.
			Torrington.
A–428–802	731–TA–419 ...	Industrial Belts/Germany	The Gates Rubber Company.
			The Goodyear Tire and Rubber Company.
A–428–803	731–TA–444 ...	Industrial Nitrocellulose/Germany	Hercules.
A–428–807	731–TA–465 ...	Sodium Thiosulfate/Germany	Calabrian.
A–428–814	731–TA–604 ...	Cold-Rolled Carbon Steel Flat Products/Germany	Armco Steel.
			Bethlehem Steel.
			California Steel Industries.
			Gulf States Steel.
			Inland Steel Industries.
			LTV Steel.
			National Steel.
			Nextech.
			Rouge Steel Co.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
			WCI Steel.
			Weirton Steel.
A–428–815	731–TA–616 ...	Corrosion-Resistant Carbon Steel Flat Products/Germany..	Armco Steel.
			Bethlehem Steel.
			California Steel Industries.
			Geneva Steel.
			Gulf States Steel.
			Inland Steel Industries.
			LTV Steel.
			Lukens Steel.
			National Steel.
			Nextech.
			Rouge Steel Co.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
			WCI Steel.
			Weirton Steel.
A–428–816	731–TA–578 ...	Cut-to-Length Carbon Steel Plate/Germany	Bethlehem Steel.
			California Steel Industries.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Inland Steel Industries.
			Lukens Steel.
			National Steel.
			Nextech.
			Sharon Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
A–428–820	731–TA–709	Seamless Pipe/Germany	Koppel Steel.
			Quanex.
			Timken.
			United States Steel.
A–428–821	731–TA–736	Large Newspaper Printing Presses/Germany	Rockwell Graphics Systems.
A–428–825	731–TA–798	Stainless Steel Sheet and Strip/Germany	Allegheny Ludlum.
			Armco Steel.
			Bethlehem Steel.
			Butler Armco Independent Union.
			Carpenter Technology Corp.
			J&L Specialty Steel.
			North American Stainless.
			United Steelworkers of America.
			Zanesville Armco Independent Organization.
A–428–830	731–TA–914	Stainless Steel Bar/Germany	Carpenter Technology.
			Crucible Specialty Metals.
			Electralloy.
			Empire Specialty Steel.
			Republic Technologies International.
			Slater Steels.
			United Steelworkers of America.
A–437–601	731–TA–341	Tapered Roller Bearings/Hungary	L&S Bearing.
			Timken.
			Torrington.
A–437–804	731–TA–426	Sulfanilic Acid/Hungary	Nation Ford Chemical.
A–447–801	731–TA–340C	Solid Urea/Estonia	Agrico Chemical.
			American Cyanamid.
			CF Industries.
			First Mississippi.
			Mississippi Chemical.
			Terra International.
			WR Grace.
A–449–804	731–TA–878	Steel Concrete Reinforcing Bar/Latvia	AB Steel Mill Inc.
			AmeriSteel.
			Auburn Steel.
			Birmingham Steel.
			Border Steel.
			Cascade Steel Rolling Mills Inc.
			CMC Steel Group.
			Co-Steel Inc.
			Marion Steel.
			North Star Steel Co.
			Nucor Steel.
			Rebar Trade Action Coalition.
			Riverview Steel.
			Sheffield Steel.
			TAMCO.
			TXI-Chaparral Steel Co.
A–451–801	731–TA–340D	Solid Urea/Lithuania	Agrico Chemical.
			American Cyanamid.
			CF Industries.
			First Mississippi.
			Mississippi Chemical.
			Terra International.
			WR Grace.
A–455–802	731–TA–583	Cut-to-Length Carbon Steel Plate/Poland	Bethlehem Steel.
			California Steel Industries.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Inland Steel Industries.
			Lukens Steel.
			National Steel.
			Nextech.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–455–803	731–TA–880	Steel Concrete Reinforcing Bar/Poland	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co.
A–469–007	731–TA–126	Potassium Permanganate/Spain	Carus Chemical.
A–469–803	731–TA–585	Cut-to-Length Carbon Steel Plate/Spain	Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A–469–805	731–TA–682	Stainless Steel Bar/Spain	AL Tech Specialty Steel. Carpenter Technology. Crucible Specialty Metals. Electralloy. Republic Engineered Steels. Slater Steels. Talley Metals Technology. United Steelworkers of America.
A–469–807	731–TA–773	Stainless Steel Wire Rod/Spain	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–469–810	731–TA–890	Stainless Steel Angle/Spain	Slater Steels. United Steelworkers of America.
A–469–814	731–TA–1083	Chlorinated Isocyanurates/Spain	BioLab Inc. Clearon Corp. Occidental Chemical Corp.
A–471–806	731–TA–427	Sulfanilic Acid/Portugal	Nation Ford Chemical.
A–475–059	AA1921–167	Pressure-Sensitive Plastic Tape/Italy	Minnesota Mining & Manufacturing.
A–475–601	731–TA–314	Brass Sheet and Strip/Italy	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A–475–703	731–TA–385	Granular Polytetrafluoroethylene/Italy	E I du Pont de Nemours. ICI Americas.
A–475–801	731–TA–393–A	Ball Bearings/Italy	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–475–801	731–TA–393–B	Cylindrical Roller Bearings/Italy	Barden Corp. Emerson Power Transmission. MPB. Rollway Bearings. Torrington.
A–475–802	731–TA–413	Industrial Belts/Italy	The Gates Rubber Company. The Goodyear Tire and Rubber Company.
A–475–811	731–TA–659	Grain-Oriented Silicon Electrical Steel/Italy	Allegheny Ludlum. Armco Steel. Butler Armco Independent Union. United Steelworkers of America. Zanesville Armco Independent Union.
A–475–814	731–TA–710	Seamless Pipe/Italy	Koppel Steel. Quanex. Timken. United States Steel.
A–475–816	731–TA–713	Oil Country Tubular Goods/Italy	Bellville Tube. IPSCO. Koppel Steel. Lone Star Steel. Maverick Tube. Newport Steel. North Star Steel. US Steel. USS/Kobe.
A–475–818	731–TA–734	Pasta/Italy	A Zerega's Sons. American Italian Pasta. Borden. D Merlino & Sons. Dakota Growers Pasta. Foulds. Gilster-Mary Lee. Gooch Foods. Hershey Foods. LaRinascente Macaroni Co. Pasta USA. Philadelphia Macaroni. ST Specialty Foods.
A–475–820	731–TA–770	Stainless Steel Wire Rod/Italy	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–475–822	731–TA–790	Stainless Steel Plate in Coils/Italy	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
A–475–824	731–TA–799	Stainless Steel Sheet and Strip/Italy	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A–475–826	731–TA–819	Cut-to-Length Carbon Steel Plate/Italy	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. US Steel. United Steelworkers of America.
A–475–828	731–TA–865	Stainless Steel Butt-Weld Pipe Fittings/Italy	Flo-Mac Inc. Gerlin. Markovitz Enterprises. Shaw Alloy Piping Products. Taylor Forge Stainless.
A–475–829	731–TA–915	Stainless Steel Bar/Italy	Carpenter Technology. Crucible Specialty Metals.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Electralloy.
			Empire Specialty Steel.
			Republic Technologies International.
			Slater Steels.
			United Steelworkers of America.
A–479–801	731–TA–445 ...	Industrial Nitrocellulose/Yugoslavia	Hercules.
A–484–801	731–TA–406 ...	Electrolytic Manganese Dioxide/Greece	Chemetals.
			Kerr-McGee.
			Rayovac.
A–485–601	731–TA–339 ...	Solid Urea/Romania	Agrico Chemical.
			American Cyanamid.
			CF Industries.
			First Mississippi.
			Mississippi Chemical.
			Terra International.
			WR Grace.
A–485–602	731–TA–345 ...	Tapered Roller Bearings/Romania	L&S Bearing.
			Timken.
			Torrington.
A–485–801	731–TA–395 ...	Ball Bearings/Romania	Barden Corp.
			Emerson Power Transmission.
			Kubar Bearings.
			MPB.
			Rollway Bearings.
			Torrington.
A–485–803	731–TA–584 ...	Cut-to-Length Carbon Steel Plate/Romania	Bethlehem Steel.
			California Steel Industries.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Inland Steel Industries.
			Lukens Steel.
			National Steel.
			Nextech.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
A–485–805	731–TA–849 ...	Small-Diameter Carbon Steel Seamless Pipe/Romania.	Koppel Steel.
			North Star Steel.
			Sharon Tube.
			Timken.
			US Steel.
			United Steelworkers of America.
			USS/Kobe.
			Vision Metals' Gulf States Tube.
A–485–806	731–TA–904 ...	Hot-Rolled Steel Products/Romania	Bethlehem Steel.
			Gallatin Steel.
			Independent Steelworkers.
			IPSCO.
			LTV Steel.
			National Steel.
			Nucor.
			Rouge Steel Co.
			Steel Dynamics.
			US Steel.
			United Steelworkers of America.
			WCI Steel Inc.
			Weirton Steel.
			Wheeling-Pittsburgh Steel Corp.
A–489–501	731–TA–273 ...	Welded Carbon Steel Pipe and Tube/Turkey	Allied Tube & Conduit.
			American Tube.
			Bernard Epps.
			Bock Industries.
			Bull Moose Tube.
			Central Steel Tube.
			Century Tube.
			Copperweld Tubing.
			Cyclops.
			Hughes Steel & Tube.
			Kaiser Steel.
			Laclede Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Maruichi American.
			Maverick Tube.
			Merchant Metals.
			Phoenix Steel.
			Pittsburgh Tube.
			Quanex.
			Sharon Tube.
			Southwestern Pipe.
			UNR-Leavitt.
			Welded Tube.
			Western Tube & Conduit.
			Wheatland Tube.
A–489–602	731–TA–364 ...	Aspirin/Turkey	Dow Chemical.
			Monsanto.
			Norwich-Eaton.
A–489–805	731–TA–735 ...	Pasta/Turkey	A Zerega's Sons.
			American Italian Pasta.
			Borden.
			D Merlino & Sons.
			Dakota Growers Pasta.
			Foulds.
			Gilster-Mary Lee.
			Gooch Foods.
			Hershey Foods.
			LaRinascente Macaroni Co.
			Pasta USA.
			Philadelphia Macaroni.
			ST Specialty Foods.
A–489–807	731–TA–745 ...	Steel Concrete Reinforcing Bar/Turkey	AmeriSteel.
			Auburn Steel.
			Birmingham Steel.
			Commercial Metals.
			Marion Steel.
			New Jersey Steel.
A–507–502	731–TA–287 ...	Raw In-Shell Pistachios/Iran	Blackwell Land.
			California Pistachio Orchard.
			Keenan Farms.
			Kern Pistachio Hulling & Drying.
			Los Ranchos de Poco Pedro.
			Pistachio Producers of California.
			TM Duche Nut.
A–508–604	731–TA–366 ...	Industrial Phosphoric Acid/Israel	Albright & Wilson.
			FMC.
			Hydrite Chemical.
			Monsanto.
			Stauffer Chemical.
A–533–502	731–TA–271 ...	Welded Carbon Steel Pipe and Tube/India	Allied Tube & Conduit.
			American Tube.
			Bernard Epps.
			Bock Industries.
			Bull Moose Tube.
			Central Steel Tube.
			Century Tube.
			Copperweld Tubing.
			Cyclops.
			Hughes Steel & Tube.
			Kaiser Steel.
			Laclede Steel.
			Maruichi American.
			Maverick Tube.
			Merchant Metals.
			Phoenix Steel.
			Pittsburgh Tube.
			Quanex.
			Sharon Tube.
			Southwestern Pipe.
			UNR-Leavitt.
			Welded Tube.
			Western Tube & Conduit.
			Wheatland Tube.
A–533–806	731–TA–561 ...	Sulfanilic Acid/India	R–M Industries.
A–533–808	731–TA–638 ...	Stainless Steel Wire Rod/India	AL Tech Specialty Steel.
			Armco Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–533–809	731–TA–639	Forged Stainless Steel Flanges/India	Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America. Gerlin. Ideal Forging. Maass Flange. Markovitz Enterprises.
A–533–810	731–TA–679	Stainless Steel Bar/India	AL Tech Specialty Steel. Carpenter Technology. Crucible Specialty Metals. Electralloy. Republic Engineered Steels. Slater Steels. Talley Metals Technology. United Steelworkers of America.
A–533–813	731–TA–778	Preserved Mushrooms/India	LK Bowman. Modern Mushroom Farms. Monterey Mushrooms. Mount Laurel Canning. Mushroom Canning. Southwood Farms. Sunny Dell Foods. United Canning.
A–533–817	731–TA–817	Cut-to-Length Carbon Steel Plate/India	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
A–533–820	731–TA–900	Hot-Rolled Steel Products/India	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–533–823	731–TA–929	Silicomanganese/India	Eramet Marietta. Paper, Allied-Industrial, Chemical and Energy Workers. International Union, Local 5–0639.
A–533–824	731–TA–933	Polyethylene Terephthalate Film, Sheet and Strip (PET Film)/India.	DuPont Teijin Films. Mitsubishi Polyester Film LLC. SKC America Inc. Toray Plastics (America).
A–533–828	731–TA–1025	Prestressed Concrete Steel Wire Strand/India	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
A–533–838	731–TA–1061	Carbazole Violet Pigment 23/India	Allegheny Color Corp. Barker Fine Color Inc. Clariant Corp. Nation Ford Chemical Co. Sun Chemical Co.
A–533–843	731–TA–1096	Certain Lined Paper School Supplies/India	Fay Paper Products Inc. MeadWestvaco Consumer & Office Products. Norcom Inc. Pacon Corp. Roaring Spring Blank Book Co. Top Flight Inc. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW).

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–538–802	731–TA–514	Cotton Shop Towels/Bangladesh	Milliken.
A–549–502	731–TA–252	Welded Carbon Steel Pipe and Tube/Thailand	Allied Tube & Conduit.
			American Tube.
			Bernard Epps.
			Bock Industries.
			Bull Moose Tube.
			Central Steel Tube.
			Century Tube.
			Copperweld Tubing.
			Cyclops.
			Hughes Steel & Tube.
			Kaiser Steel.
			Laclede Steel.
			Maruichi American.
			Maverick Tube.
			Merchant Metals.
			Phoenix Steel.
			Pittsburgh Tube.
			Quanex.
			Sharon Tube.
			Southwestern Pipe.
			UNR-Leavitt.
			Welded Tube.
			Western Tube & Conduit.
			Wheatland Tube.
A–549–601	731–TA–348	Malleable Cast Iron Pipe Fittings/Thailand	Grinnell.
			Stanley G Flagg.
			Stockham Valves & Fittings.
			U-Brand.
			Ward Manufacturing.
A–549–807	731–TA–521	Carbon Steel Butt-Weld Pipe Fittings/Thailand	Hackney.
			Ladish.
			Mills Iron Works.
			Steel Forgings.
			Tube Forgings of America.
A–549–812	731–TA–705	Furfuryl Alcohol/Thailand	QO Chemicals.
A–549–813	731–TA–706	Canned Pineapple/Thailand	International Longshoreman's and Warehouseman's.
			Union.
			Maui Pineapple.
A–549–817	731–TA–907	Hot-Rolled Steel Products/Thailand	Bethlehem Steel.
			Gallatin Steel.
			Independent Steelworkers.
			IPSCO.
			LTV Steel.
			National Steel.
			Nucor.
			Rouge Steel Co.
			Steel Dynamics.
			US Steel.
			United Steelworkers of America.
			WCI Steel Inc.
			Weirton Steel.
			Wheeling-Pittsburgh Steel Corp.
A–549–820	731–TA–1028	Prestressed Concrete Steel Wire Strand/Thailand	American Spring Wire Corp.
			Insteel Wire Products Co.
			Sivaco Georgia LLC.
			Strand Tech Martin Inc.
			Sumiden Wire Products Corp.
A–549–821	731–TA–1045	Polyethylene Retail Carrier Bags/Thailand	Aargus Plastics Inc.
			Advance Polybags Inc.
			Advance Polybags (Nevada) Inc.
			Advance Polybags (Northeast) Inc.
			Alpha Industries Inc.
			Alpine Plastics Inc.
			Ampac Packaging LLC.
			API Enterprises Inc.
			Command Packaging.
			Continental Poly Bags Inc.
			Durabag Co Inc.
			Europackaging LLC.
			Genpak LLC (formerly Continental Superbag LLC).
			Genpak LLC (formerly Strout Plastics).
			Hilex Poly Co LLC.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Inteplast Group Ltd. PCL Packaging Inc. Poly-Pak Industries Inc. Roplast Industries Inc. Superbag Corp. Unistar Plastics LLC. Vanguard Plastics Inc. VS Plastics LLC.
A–552–801	731–TA–1012	Certain Frozen Fish Fillets/Vietnam	America's Catch Inc. Aquafarms Catfish Inc. Carolina Classics Catfish Inc. Catfish Farmers of America. Consolidated Catfish Companies Inc. Delta Pride Catfish Inc. Fish Processors Inc. Guidry's Catfish Inc. Haring's Pride Catfish. Harvest Select Catfish (Alabama Catfish Inc). Heartland Catfish Co (TT&W Farm Products Inc). Prairie Lands Seafood (Illinois Fish Farmers Cooperative). Pride of the Pond. Pride of the South Catfish Inc. Prime Line Inc. Seabrook Seafood Inc. Seacat (Arkansas Catfish Growers). Simmons Farm Raised Catfish Inc. Southern Pride Catfish LLC. Verret Fisheries Inc.
A–557–805	731–TA–527 ...	Extruded Rubber Thread/Malaysia	Globe Manufacturing. North American Rubber Thread.
A–557–809	731–TA–866 ...	Stainless Steel Butt-Weld Pipe Fittings/Malaysia	Flo-Mac Inc. Gerlin. Markovitz Enterprises. Shaw Alloy Piping Products. Taylor Forge Stainless.
A–557–813	731–TA–1044	Polyethylene Retail Carrier Bags/Malaysia	Aargus Plastics Inc. Advance Polybags Inc. Advance Polybags (Nevada) Inc. Advance Polybags (Northeast) Inc. Alpha Industries Inc. Alpine Plastics Inc. Ampac Packaging LLC. API Enterprises Inc. Command Packaging. Continental Poly Bags Inc. Durabag Co Inc. Europackaging LLC. Genpak LLC (formerly Continental Superbag LLC). Genpak LLC (formerly Strout Plastics). Hilex Poly Co LLC. Inteplast Group Ltd. PCL Packaging Inc. Poly-Pak Industries Inc. Roplast Industries Inc. Superbag Corp. Unistar Plastics LLC. Vanguard Plastics Inc. VS Plastics LLC.
A–559–502	731–TA–296 ...	Small Diameter Standard and Rectangular Pipe and Tube/Singapore.	Allied Tube & Conduit. American Tube. Bull Moose Tube. Cyclops. Hannibal Industries. Laclede Steel. Pittsburgh Tube. Sharon Tube. Western Tube & Conduit. Wheatland Tube.
A–559–601	731–TA–370 ...	Color Picture Tubes/Singapore	Industrial Union Department, AFL–CIO. International Association of Machinists & Aerospace Workers. International Brotherhood of Electrical Workers.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			International Union of Electronic, Electrical, Technical, Salaried and Machine Workers.
			Philips Electronic Components Group.
			United Steelworkers of America.
			Zenith Electronics.
A–559–801	731–TA–396 ...	Ball Bearings/Singapore	Barden Corp.
			Emerson Power Transmission.
			Kubar Bearings.
			McGill Manufacturing Co.
			MPB.
			Rexnord Inc.
			Rollway Bearings.
			Torrington.
A–559–802	731–TA–415 ...	Industrial Belts/Singapore	The Gates Rubber Company.
			The Goodyear Tire and Rubber Company.
A–560–801	731–TA–742 ...	Melamine Institutional Dinnerware/Indonesia	Carlisle Food Service Products.
			Lexington United.
			Plastics Manufacturing.
A–560–802	731–TA–779 ...	Preserved Mushrooms/Indonesia	LK Bowman.
			Modern Mushroom Farms.
			Monterey Mushrooms.
			Mount Laurel Canning.
			Mushroom Canning.
			Southwood Farms.
			Sunny Dell Foods.
			United Canning.
A–560–803	731–TA–787 ...	Extruded Rubber Thread/Indonesia	North American Rubber Thread.
A–560–805	731–TA–818 ...	Cut-to-Length Carbon Steel Plate/Indonesia	Bethlehem Steel.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			IPSCO Steel.
			National Steel.
			Tuscaloosa Steel.
			US Steel.
			United Steelworkers of America.
A–560–811	731–TA–875 ...	Steel Concrete Reinforcing Bar/Indonesia	AB Steel Mill Inc.
			AmeriSteel.
			Birmingham Steel.
			Border Steel.
			Cascade Steel Rolling Mills Inc.
			CMC Steel Group.
			Co-Steel Inc.
			Marion Steel.
			North Star Steel Co.
			Nucor Steel.
			Rebar Trade Action Coalition.
			Riverview Steel.
			Sheffield Steel.
			TAMCO.
			TXI-Chaparral Steel Co.
A–560–812	731–TA–901 ...	Hot-Rolled Steel Products/Indonesia	Bethlehem Steel.
			Gallatin Steel.
			Independent Steelworkers.
			IPSCO.
			LTV Steel.
			National Steel.
			Nucor.
			Rouge Steel Co.
			Steel Dynamics.
			US Steel.
			United Steelworkers of America.
			WCI Steel Inc.
			Weirton Steel.
			Wheeling-Pittsburgh Steel Corp.
A–560–815	731–TA–957 ...	Carbon and Certain Alloy Steel Wire Rod/Indonesia	AmeriSteel.
			Birmingham Steel.
			Cascade Steel Rolling Mills.
			Connecticut Steel Corp.
			Co-Steel Raritan.
			GS Industries.
			Keystone Consolidated Industries.
			North Star Steel Texas.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nucor Steel-Nebraska (a division of Nucor Corp).
			Republic Technologies International.
			Rocky Mountain Steel Mills.
A–560–818	731–TA–1097	Certain Lined Paper School Supplies/Indonesia	Fay Paper Products Inc.
			MeadWestvaco Consumer & Office Products.
			Norcom Inc.
			Pacon Corp.
			Roaring Spring Blank Book Co.
			Top Flight Inc.
			United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW).
A–565–801	731–TA–867 ...	Stainless Steel Butt-Weld Pipe Fittings/Philippines	Flo-Mac Inc.
			Gerlin.
			Markovitz Enterprises.
			Shaw Alloy Piping Products.
			Taylor Forge Stainless.
A–570–001	731–TA–125 ...	Potassium Permanganate/China	Carus Chemical.
A–570–002	731–TA–130 ...	Chloropicrin/China	LCP Chemicals & Plastics.
			Niklor Chemical.
A–570–003	731–TA–103 ...	Cotton Shop Towels/China	Milliken.
			Texel Industries.
			Wikit.
A–570–007	731–TA–149 ...	Barium Chloride/China	Chemical Products.
A–570–101	731–TA–101 ...	Greige Polyester Cotton Printcloth/China	Alice Manufacturing.
			Clinton Mills.
			Dan River.
			Greenwood Mills.
			Hamrick Mills.
			M Lowenstein.
			Mayfair Mills.
			Mount Vernon Mills.
A–570–501	731–TA–244 ...	Natural Bristle Paint Brushes/China	Baltimore Brush.
			Bestt Liebco.
			Elder & Jenks.
			EZ Paintr.
			H&G Industries.
			Joseph Lieberman & Sons.
			Purdy.
			Rubberset.
			Thomas Paint Applicators.
			Wooster Brush.
A–570–502	731–TA–265 ...	Iron Construction Castings/China	Alhambra Foundry.
			Allegheny Foundry.
			Bingham & Taylor.
			Campbell Foundry.
			Charlotte Pipe & Foundry.
			Deeter Foundry.
			East Jordan Foundry.
			Le Baron Foundry.
			Municipal Castings.
			Neenah Foundry.
			Opelika Foundry.
			Pinkerton Foundry.
			Tyler Pipe.
			US Foundry & Manufacturing.
			Vulcan Foundry.
A–570–504	731–TA–282 ...	Petroleum Wax Candles/China	The AI Root Company.
			Candle Artisans Inc.
			Candle-Lite.
			Cathedral Candle.
			Colonial Candle of Cape Cod.
			General Wax & Candle.
			Lenox Candles.
			Lumi-Lite Candle.
			Meuch-Kreuzer Candle.
			National Candle Association.
			Will & Baumer.
			WNS.
A–570–506	731–TA–298 ...	Porcelain-on-Steel Cooking Ware/China	General Housewares.
A–570–601	731–TA–344 ...	Tapered Roller Bearings/China	L&S Bearing.
			Timken.
			Torrington.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–570–802	731–TA–441	Industrial Nitrocellulose/China	Hercules.
A–570–803	731–TA–457–A	Axes and Adzes/China	Council Tool Co Inc. Warwood Tool. Woodings-Verona.
A–570–803	731–TA–457–B	Bars and Wedges/China	Council Tool Co Inc. Warwood Tool. Woodings-Verona.
A–570–803	731–TA–457–C	Hammers and Sledges/China	Council Tool Co Inc. Warwood Tool. Woodings-Verona.
A–570–803	731–TA–457–D	Picks and Mattocks/China	Council Tool Co Inc. Warwood Tool. Woodings-Verona.
A–570–804	731–TA–464	Sparklers/China	BJ Alan. Diamond Sparkler. Elkton Sparkler.
A–570–805	731–TA–466	Sodium Thiosulfate/China	Calabrian.
A–570–806	731–TA–472	Silicon Metal/China	American Alloys. Elkem Metals. Globe Metallurgical. International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693). Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. SiMETCO. SKW Alloys. Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60). United Steelworkers of America (Locals 5171, 8538 and 12646).
A–570–808	731–TA–474	Chrome-Plated Lug Nuts/China	Consolidated International Automotive. Key Manufacturing. McGard.
A–570–811	731–TA–497	Tungsten Ore Concentrates/China	Curtis Tungsten. US Tungsten.
A–570–814	731–TA–520	Carbon Steel Butt-Weld Pipe Fittings/China	Hackney. Ladish. Mills Iron Works. Steel Forgings. Tube Forgings of America.
A–570–815	731–TA–538	Sulfanilic Acid/China	R–M Industries.
A–570–819	731–TA–567	Ferrosilicon/China	AIMCOR. Alabama Silicon. American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A–570–822	731–TA–624	Helical Spring Lock Washers/China	Illinois Tool Works.
A–570–825	731–TA–653	Sebacic Acid/China	Union Camp.
A–570–826	731–TA–663	Paper Clips/China	ACCO USA. Labelon/Noesting. TRICO Manufacturing.
A–570–827	731–TA–669	Cased Pencils/China	Blackfeet Indian Writing Instrument. Dixon-Ticonderoga. Empire Berol. Faber-Castell. General Pencil. JR Moon Pencil. Musgrave Pen & Pencil. Panda. Writing Instrument Manufacturers Association, Pencil Section.
A–570–828	731–TA–672	Silicomanganese/China	Elkem Metals. Oil, Chemical and Atomic Workers (Local 3–639).
A–570–830	731–TA–677	Coumarin/China	Rhone-Poulenc.
A–570–831	731–TA–683	Fresh Garlic/China	A&D Christopher Ranch. Belridge Packing. Colusa Produce. Denice & Filice Packing. El Camino Packing.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			The Garlic Company.
			Vessey and Company.
A–570–832	731–TA–696	Pure Magnesium/China	Dow Chemical.
			International Union of Operating Engineers (Local 564).
			Magnesium Corporation of America.
			United Steelworkers of America (Local 8319).
A–570–835	731–TA–703	Furfuryl Alcohol/China	QO Chemicals.
A–570–836	731–TA–718	Glycine/China	Chattem.
			Hampshire Chemical.
A–570–840	731–TA–724	Manganese Metal/China	Elkem Metals.
			Kerr-McGee.
A–570–842	731–TA–726	Polyvinyl Alcohol/China	Air Products and Chemicals.
A–570–844	731–TA–741	Melamine Institutional Dinnerware/China	Carlisle Food Service Products.
			Lexington United.
			Plastics Manufacturing.
A–570–846	731–TA–744	Brake Rotors/China	Brake Parts.
			Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers.
			Iroquois Tool Systems.
			Kelsey Hayes.
			Kinetic Parts Manufacturing.
			Overseas Auto Parts.
			Wagner Brake.
A–570–847	731–TA–749	Persulfates/China	FMC.
A–570–848	731–TA–752	Crawfish Tail Meat/China	A&S Crawfish.
			Acadiana Fisherman's Co-Op.
			Arnaudville Seafood.
			Atchafalaya Crawfish Processors.
			Basin Crawfish Processors.
			Bayou Land Seafood.
			Becnel's Meat & Seafood.
			Bellard's Poultry & Crawfish.
			Bonanza Crawfish Farm.
			Cajun Seafood Distributors.
			Carl's Seafood.
			Catahoula Crawfish.
			Choplin SFD.
			CJ's Seafood & Purged Crawfish.
			Clearwater Crawfish.
			Crawfish Processors Alliance.
			Harvey's Seafood.
			Lawtell Crawfish Processors.
			Louisiana Premium Seafoods.
			Louisiana Seafood.
			LT West.
			Phillips Seafood.
			Prairie Cajun Wholesale Seafood Dist.
			Riceland Crawfish.
			Schexnider Crawfish.
			Seafood International Distributors.
			Sylvester's Processors.
			Teche Valley Seafood.
A–570–849	731–TA–753	Cut-to-Length Carbon Steel Plate/China	Acme Metals Inc.
			Bethlehem Steel.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Lukens Inc.
			National Steel.
			US Steel.
			United Steelworkers of America.
A–570–850	731–TA–757	Collated Roofing Nails/China	Illinois Tool Works.
			International Staple and Machines.
			Stanley-Bostitch.
A–570–851	731–TA–777	Preserved Mushrooms/China	LK Bowman.
			Modern Mushroom Farms.
			Monterey Mushrooms.
			Mount Laurel Canning.
			Mushroom Canning.
			Southwood Farms.
			Sunny Dell Foods.
			United Canning.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–570–852	731–TA–814 ...	Creatine Monohydrate/China	Pfanstiehl Laboratories.
A–570–853	731–TA–828 ...	Aspirin/China	Rhodia.
A–570–855	731–TA–841 ...	Non-Frozen Apple Juice Concentrate/China	Coloma Frozen Foods.
			Green Valley Apples of California.
			Knouse Foods Coop.
			Mason County Fruit Packers Coop.
			Tree Top.
A–570–856	731–TA–851 ...	Synthetic Indigo/China	Buffalo Color.
			United Steelworkers of America.
A–570–860	731–TA–874 ...	Steel Concrete Reinforcing Bar/China	AB Steel Mill Inc.
			AmeriSteel.
			Auburn Steel.
			Birmingham Steel.
			Border Steel.
			Cascade Steel Rolling Mills Inc.
			CMC Steel Group.
			Co-Steel Inc.
			Marion Steel.
			North Star Steel Co.
			Nucor Steel.
			Rebar Trade Action Coalition.
			Riverview Steel.
			Sheffield Steel.
			TAMCO.
			TXI-Chaparral Steel Co.
A–570–862	731–TA–891 ...	Foundry Coke/China	ABC Coke.
			Citizens Gas and Coke Utility.
			Erie Coke.
			Sloss Industries Corp.
			Tonawanda Coke.
			United Steelworkers of America.
A–570–863	731–TA–893 ...	Honey/China	AH Meyer & Sons.
			Adee Honey Farms.
			Althoff Apiaries.
			American Beekeeping Federation.
			American Honey Producers Association.
			Anderson Apiaries.
			Arroyo Apiaries.
			Artesian Honey Producers.
			B Weaver Apiaries.
			Bailey Enterprises.
			Barkman Honey.
			Basler Honey Apiary.
			Beals Honey.
			Bears Paw Apiaries.
			Beaverhead Honey.
			Bee Biz.
			Bee Haven Honey.
			Belliston Brothers Apiaries.
			Big Sky Honey.
			Bill Rhodes Honey.
			Richard E Blake.
			Curt Bronnenbery.
			Brown's Honey Farms.
			Brumley's Bees.
			Buhmann Apiaries.
			Carys Honey Farms.
			Chaparrel Honey.
			Charles Apiaries.
			Mitchell Charles.
			Collins Honey.
			Conor Apiaries.
			Coy's Honey Farm.
			Dave Nelson Apiaries.
			Delta Bee.
			Eisele's Pollination & Honey.
			Ellingsoa's.
			Elliott Curtis & Sons.
			Charles L Emmons, Sr.
			Gause Honey.
			Gene Brandi Apiaries.
			Griffith Honey.
			Haff Apiaries.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Hamilton Bee Farms.
			Hamilton Honey.
			Happie Bee.
			Harvest Honey.
			Harvey's Honey.
			Hiatt Honey.
			Hoffman Honey.
			Hollman Apiaries.
			Honey House.
			Honeybee Apiaries.
			Gary M Honl.
			Rand William Honl and Sydney Jo Honl.
			James R & Joann Smith Trust.
			Jaynes Bee Products.
			Johnston Honey Farms.
			Larry Johnston.
			Ke-An Honey.
			Kent Honeybees.
			Lake-Indianhead Honey Farms.
			Lamb's Honey Farm.
			Las Flores Apiaries.
			Mackrill Honey Farms & Sales.
			Raymond Marquette.
			Mason & Sons Honey.
			McCoy's Sunny South Apiaries.
			Merrimack Valley Apiaries & Evergreen Honey.
			Met 2 Honey Farm.
			Missouri River Honey.
			Mitchell Brothers Honey.
			Monda Honey Farm.
			Montana Dakota Honey.
			Northern Bloom Honey.
			Noye's Apiaries.
			Oakes Honey.
			Oakley Honey Farms.
			Old Mill Apiaries.
			Opp Honey.
			Oro Dulce.
			Peterson's "Naturally Sweet" Honey.
			Potoczak Bee Farms.
			Price Apiaries.
			Pure Sweet Honey Farms.
			Robertson Pollination Service.
			Robson Honey.
			William Robson.
			Rosedale Apiaries.
			Ryan Apiaries.
			Schmidt Honey Farms.
			Simpson Apiaries.
			Sioux Honey Association.
			Smoot Honey.
			Solby Honey.
			Stahlman Apiaries.
			Steve E Parks Apiaries.
			Stroope Bee & Honey.
			T&D Honey Bee.
			Talbott's Honey.
			Terry Apiaries.
			Thompson Apiaries.
			Triple A Farm.
			Tropical Blossom Honey.
			Tubbs Apiaries.
			Venable Wholesale.
			Walter L Wilson Buzz 76 Apiaries.
			Wiebersiek Honey Farms.
			Wilmer Farms.
			Brent J Woodworth.
			Wooten's Golden Queens.
			Yaddof Apiaries.
A–570–864	731–TA–895 ...	Pure Magnesium (Granular)/China	Concerned Employees of Northwest Alloys.
			Magnesium Corporation of America.
			United Steelworkers of America.
			United Steelworkers of America (Local 8319).

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–570–865	731–TA–899	Hot-Rolled Steel Products/China	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–570–866	731–TA–921	Folding Gift Boxes/China	Field Container. Harvard Folding Box. Sterling Packaging. Superior Packaging.
A–570–867	731–TA–922	Automotive Replacement Glass Windshields/China	PPG Industries. Safelite Glass. Viracon/Curvlite Inc. Visteon Corporation.
A–570–868	731–TA–932	Folding Metal Tables and Chairs/China	Krueger International. McCourt Manufacturing. Meco. Virco Manufacturing.
A–570–873	731–TA–986	Ferrovanadium/China	Bear Metallurgical Co. Shieldalloy Metallurgical Corp.
A–570–875	731–TA–990	Non-Malleable Cast Iron Pipe Fittings/China	Anvil International Inc. Buck Co Inc. Frazier & Frazier Industries. Ward Manufacturing Inc.
A–570–877	731–TA–1010	Lawn and Garden Steel Fence Posts/China	Steel City Corp.
A–570–878	731–TA–1013	Saccharin/China	PMC Specialties Group Inc.
A–570–879	731–TA–1014	Polyvinyl Alcohol/China	Celanese Ltd. E I du Pont de Nemours & Co.
A–570–880	731–TA–1020	Barium Carbonate/China	Chemical Products Corp.
A–570–881	731–TA–1021	Malleable Iron Pipe Fittings/China	Anvil International Inc. Buck Co Inc. Ward Manufacturing Inc.
A–570–882	731–TA–1022	Refined Brown Aluminum Oxide/China	C–E Minerals. Treibacher Schleifmittel North America Inc. Washington Mills Co Inc.
A–570–884	731–TA–1034	Certain Color Television Receivers/China	Five Rivers Electronic Innovations LLC. Industrial Division of the Communications Workers of America (IUECWA). International Brotherhood of Electrical Workers (IBEW).
A–570–886	731–TA–1043	Polyethylene Retail Carrier Bags/China	Aargus Plastics Inc. Advance Polybags Inc. Advance Polybags (Nevada) Inc. Advance Polybags (Northeast) Inc. Alpha Industries Inc. Alpine Plastics Inc. Ampac Packaging LLC. API Enterprises Inc. Command Packaging. Continental Poly Bags Inc. Durabag Co Inc. Europackaging LLC. Genpak LLC (formerly Continental Superbag LLC). Genpak LLC (formerly Strout Plastics). Hilex Poly Co LLC. Inteplast Group Ltd. PCL Packaging Inc. Poly-Pak Industries Inc. Roplast Industries Inc. Superbag Corp. Unistar Plastics LLC. Vanguard Plastics Inc. VS Plastics LLC.
A–570–887	731–TA–1046	Tetrahydrofurfuryl Alcohol/China	Penn Specialty Chemicals Inc.
A–570–888	731–TA–1047	Ironing Tables and Certain Parts Thereof/China	Home Products International Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–570–890	731–TA–1058	Wooden Bedroom Furniture/China	American Drew. American of Martinsville. Bassett Furniture Industries Inc. Bebe Furniture. Carolina Furniture Works Inc. Carpenters Industrial Union Local 2093. Century Furniture Industries. Country Craft Furniture Inc. Craftique. Crawford Furniture Mfg Corp. EJ Victor Inc. Forest Designs. Harden Furniture Inc. Hart Furniture. Higdon Furniture Co. IUE Industrial Division of CWA Local 82472. Johnston Tombigbee Furniture Mfg Co. Kincaid Furniture Co Inc. L & J G Stickley Inc. Lea Industries. Michels & Co. MJ Wood Products Inc. Mobel Inc. Modern Furniture Manufacturers Inc. Moosehead Mfg Co. Oakwood Interiors. O'Sullivan Industries Inc. Pennsylvania House Inc. Perdues Inc. Sandberg Furniture Mfg Co Inc. Stanley Furniture Co Inc. Statton Furniture Mfg Assoc. T Copeland & Sons. Teamsters, Chauffeurs, Warehousemen and Helpers Local 991. Tom Seely Furniture. UBC Southern Council of Industrial Workers Local Union 2305. United Steelworkers of America Local 193U. Vaughan Furniture Co Inc. Vaughan-Bassett Furniture Co Inc. Vermont Tubbs. Webb Furniture Enterprises Inc.
A–570–891	731–TA–1059	Hand Trucks and Certain Parts Thereof/China	B&P Manufacturing. Gleason Industrial Products Inc. Harper Trucks Inc. Magline Inc. Precision Products Inc. Wesco Industrial Products Inc.
A–570–892	731–TA–1060	Carbazole Violet Pigment 23/China	Allegheny Color Corp. Barker Fine Color Inc. Clariant Corp. Nation Ford Chemical Co. Sun Chemical Co.
A–570–894	731–TA–1070	Certain Tissue Paper Products/China	American Crepe Corp. Cindus Corp. Eagle Tissue LLC. Flower City Tissue Mills Co and Subsidiary. Garlock Printing & Converting Corp. Green Mtn Specialties Inc. Hallmark Cards Inc. Pacon Corp. Paper, Allied-Industrial, Chemical and Energy Workers International Union AFL–CIO ("PACE"). Paper Service LTD. Putney Paper. Seaman Paper Co of MA Inc.
A–570–895	731–TA–1069	Certain Crepe Paper Products/China	American Crepe Corp. Cindus Corp. Paper, Allied-Industrial, Chemical and Energy Workers International Union AFL–CIO ("PACE"). Seaman Paper Co of MA Inc.
A–570–896	731–TA–1071	Alloy Magnesium/China	Garfield Alloys Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Glass, Molders, Pottery, Plastics & Allied Workers International Local 374.
			Halaco Engineering.
			MagReTech Inc.
			United Steelworkers of America Local 8319.
			US Magnesium LLC.
A–570–899	731–TA–1091	Artists' Canvas/China	Duro Art Industries.
			ICG/Holliston Mills Inc.
			Signature World Class Canvas LLC.
			Tara Materials Inc.
A–570–898	731–TA–1082	Chlorinated Isocyanurates/China	BioLab Inc.
			Clearon Corp.
			Occidental Chemical Corp.
A–570–901	731–TA–1095	Certain Lined Paper School Supplies/China	Fay Paper Products Inc.
			MeadWestvaco Consumer & Office Products.
			Norcom Inc.
			Pacon Corp.
			Roaring Spring Blank Book Co.
			Top Flight Inc.
			United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW).
A–570–904	731–TA–1103	Certain Activated Carbon/China	Calgon Carbon Corp.
			Norit Americas Inc.
A–570–905	731–TA–1104	Certain Polyester Staple Fiber/China	DAK Americas LLC.
			Formed Fiber Techmologies LLC.
			Nan Ya Plastics Corp America.
			Palmetto Synthetics LLC.
			United Synthetics Inc (USI).
			Wellman Inc.
A–570–908	731–TA–1110	Sodium Hexametaphosphate (SHMP)/China	ICL Performance Products LP.
			Innophos Inc.
A–580–008	731–TA–134 ...	Color Television Receivers/Korea	Committee to Preserve American Color Television.
			Independent Radionic Workers of America.
			Industrial Union Department, AFL–CIO.
			International Brotherhood of Electrical Workers.
			International Union of Electrical, Radio and Machine Workers.
A–580–507	731–TA–279 ...	Malleable Cast Iron Pipe Fittings/Korea	Grinnell.
			Stanley G Flagg.
			Stockham Valves & Fittings.
			U-Brand.
			Ward Manufacturing.
A–580–601	731–TA–304 ...	Top-of-the-Stove Stainless Steel Cooking Ware/Korea.	Farberware.
			Regal Ware.
			Revere Copper & Brass.
			WearEver/Proctor Silex.
A–580–603	731–TA–315 ...	Brass Sheet and Strip/Korea	Allied Industrial Workers of America.
			American Brass.
			Bridgeport Brass.
			Chase Brass & Copper.
			Hussey Copper.
			International Association of Machinists & Aerospace Workers.
			Mechanics Educational Society of America (Local 56).
			The Miller Company.
			Olin.
			Revere Copper Products.
			United Steelworkers of America.
A–580–605	731–TA–369 ...	Color Picture Tubes/Korea	Industrial Union Department, AFL–CIO.
			International Association of Machinists & Aerospace Workers.
			International Brotherhood of Electrical Workers.
			International Union of Electronic, Electrical, Technical, Salaried and Machine Workers.
			Philips Electronic Components Group.
			United Steelworkers of America.
			Zenith Electronics.
A–580–803	731–TA–427 ...	Small Business Telephone Systems/Korea	American Telephone & Telegraph.
			Comdial.
			Eagle Telephonic.
A–580–805	731–TA–442 ...	Industrial Nitrocellulose/Korea	Hercules.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–580–807	731–TA–459	Polyethylene Terephthalate Film/Korea	E I du Pont de Nemours. Hoechst Celanese. ICI Americas.
A–580–809	731–TA–533	Circular Welded Nonalloy Steel Pipe/Korea	Allied Tube & Conduit. American Tube. Bull Moose Tube. Century Tube. CSI Tubular Products. Cyclops. Laclede Steel. LTV Tubular Products. Maruichi American. Sharon Tube. USX. Western Tube & Conduit. Wheatland Tube.
A–580–810	731–TA–540	Welded ASTM A–312 Stainless Steel Pipe/Korea	Avesta Sandvik Tube. Bristol Metals. Crucible Materials. Damascus Tubular Products. United Steelworkers of America.
A–580–811	731–TA–546	Carbon Steel Wire Rope/Korea	Bridon American. Macwhyte. Paulsen Wire Rope. The Rochester Corporation. United Automobile, Aerospace and Agricultural Implement Workers (Local 960). Williamsport. Wire-rope Works. Wire Rope Corporation of America.
A–580–812	731–TA–556	DRAMs of 1 Megabit and Above/Korea	Micron Technology. NEC Electronics. Texas Instruments.
A–580–813	731–TA–563	Stainless Steel Butt-Weld Pipe Fittings/Korea	Flo-Mac Inc. Gerlin. Markovitz Enterprises. Shaw Alloy Piping Products. Taylor Forge Stainless.
A–580–815	731–TA–607	Cold-Rolled Carbon Steel Flat Products/Korea	Armco Steel. Bethlehem Steel. California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–580–816	731–TA–618	Corrosion-Resistant Carbon Steel Flat Products/Korea.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–580–825	731–TA–715	Oil Country Tubular Goods/Korea	Bellville Tube.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			IPSCO. Koppel Steel. Lone Star Steel. Maverick Tube. Newport Steel. North Star Steel. US Steel. USS/Kobe.
A–580–829	731–TA–772 ...	Stainless Steel Wire Rod/Korea	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–580–831	731–TA–791 ...	Stainless Steel Plate in Coils/Korea	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
A–580–834	731–TA–801 ...	Stainless Steel Sheet and Strip/Korea	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A–580–836	731–TA–821 ...	Cut-to-Length Carbon Steel Plate/Korea	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
A–580–839	731–TA–825 ...	Polyester Staple Fiber/Korea	Arteva Specialties Sarl. E I du Pont de Nemours. Intercontinental Polymers. Wellman.
A–580–841	731–TA–854 ...	Structural Steel Beams/Korea	Northwestern Steel and Wire. Nucor. Nucor-Yamato Steel. TXI-Chaparral Steel. United Steelworkers of America.
A–580–844	731–TA–877 ...	Steel Concrete Reinforcing Bar/Korea	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co.
A–580–846	731–TA–889 ...	Stainless Steel Angle/Korea	Slater Steels. United Steelworkers of America.
A–580–847	731–TA–916 ...	Stainless Steel Bar/Korea	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
A–580–850	731–TA–1017	Polyvinyl Alcohol/Korea	Celanese Ltd. E I du Pont de Nemours & Co.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–580–852	731–TA–1026	Prestressed Concrete Steel Wire Strand/Korea	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
A–583–008	731–TA–132 ...	Small Diameter Carbon Steel Pipe and Tube/Tawian	Allied Tube & Conduit. American Tube. Bull Moose Tube. Copperweld Tubing. J&L Steel. Kaiser Steel. Merchant Metals. Pittsburgh Tube. Southwestern Pipe. Western Tube & Conduit.
A–583–009	731–TA–135 ...	Color Television Receivers/Taiwan	Committee to Preserve American Color Television. Independent Radionic Workers of America. Industrial Union Department, AFL–CIO. International Brotherhood of Electrical Workers. International Union of Electrical, Radio and Machine Workers.
A–583–080	AA1921–197 ...	Carbon Steel Plate/Taiwan	No Petition (self-initiated by Treasury); Commerce service list identifies: Bethlehem Steel. China Steel. US Steel.
A–583–505	731–TA–277 ...	Oil Country Tubular Goods/Taiwan	CF&I Steel. Copperweld Tubing. Cyclops. KPC. Lone Star Steel. LTV Steel. Maverick Tube. Quanex. US Steel.
A–583–507	731–TA–280 ...	Malleable Cast Iron Pipe Fittings/Taiwan	Grinnell. Stanley G Flagg. Stockham Valves & Fittings. U-Brand. Ward Manufacturing.
A–583–508	731–TA–299 ...	Porcelain-on-Steel Cooking Ware/Taiwan	General Housewares.
A–583–603	731–TA–305 ...	Top-of-the-Stove Stainless Steel Cooking Ware/Taiwan.	Farberware. Regal Ware. Revere Copper & Brass. WearEver/Proctor Silex.
A–583–605	731–TA–310 ...	Carbon Steel Butt-Weld Pipe Fittings/Taiwan	Ladish. Mills Iron Works. Steel Forgings. Tube Forgings of America. Weldbend.
A–583–803	731–TA–410 ...	Light-Walled Rectangular Tube/Taiwan	Bull Moose Tube. Hannibal Industries. Harris Tube. Maruichi American. Searing Industries. Southwestern Pipe. Western Tube & Conduit.
A–583–806	731–TA–428 ...	Small Business Telephone Systems/Taiwan	American Telephone & Telegraph. Comdial. Eagle Telephonic.
A–583–810	731–TA–475 ...	Chrome-Plated Lug Nuts/Taiwan	Consolidated International Automotive. Key Manufacturing. McGard.
A–583–814	731–TA–536 ...	Circular Welded Nonalloy Steel Pipe/Taiwan	Allied Tube & Conduit. American Tube. Bull Moose Tube. Century Tube. CSI Tubular Products. Cyclops. Laclede Steel. LTV Tubular Products. Maruichi American. Sharon Tube.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			USX.
			Western Tube & Conduit.
			Wheatland Tube.
A–583–815	731–TA–541 ...	Welded ASTM A–312 Stainless Steel Pipe/Taiwan ...	Avesta Sandvik Tube.
			Bristol Metals.
			Crucible Materials.
			Damascus Tubular Products.
			United Steelworkers of America.
A–583–816	731–TA–564 ...	Stainless Steel Butt-Weld Pipe Fittings/Taiwan	Flo-Mac Inc.
			Gerlin.
			Markovitz Enterprises.
			Shaw Alloy Piping Products.
			Taylor Forge Stainless.
A–583–820	731–TA–625 ...	Helical Spring Lock Washers/Taiwan	Illinois Tool Works.
A–583–821	731–TA–640 ...	Forged Stainless Steel Flanges/Taiwan	Gerlin.
			Ideal Forging.
			Maass Flange.
			Markovitz Enterprises.
A–583–824	731–TA–729 ...	Polyvinyl Alcohol/Taiwan	Air Products and Chemicals.
A–583–825	731–TA–743 ...	Melamine Institutional Dinnerware/Taiwan	Carlisle Food Service Products.
			Lexington United.
			Plastics Manufacturing.
A–583–826	731–TA–759 ...	Collated Roofing Nails/Taiwan	Illinois Tool Works.
			International Staple and Machines.
			Stanley-Bostitch.
A–583–827	731–TA–762 ...	SRAMs/Taiwan	Micron Technology.
A–583–828	731–TA–775 ...	Stainless Steel Wire Rod/Taiwan	AL Tech Specialty Steel.
			Carpenter Technology.
			Republic Engineered Steels.
			Talley Metals Technology.
			United Steelworkers of America.
A–583–830	731–TA–793 ...	Stainless Steel Plate in Coils/Taiwan	Allegheny Ludlum.
			Armco Steel.
			J&L Specialty Steel.
			Lukens Steel.
			North American Stainless.
			United Steelworkers of America.
A–583–831	731–TA–803 ...	Stainless Steel Sheet and Strip/Taiwan	Allegheny Ludlum.
			Armco Steel.
			Bethlehem Steel.
			Butler Armco Independent Union.
			Carpenter Technology Corp.
			J&L Specialty Steel.
			North American Stainless.
			United Steelworkers of America.
			Zanesville Armco Independent Organization.
A–583–833	731–TA–826 ...	Polyester Staple Fiber/Taiwan	Arteva Specialties Sarl.
			Intercontinental Polymers.
			Wellman.
A–583–835	731–TA–906 ...	Hot-Rolled Steel Products/Taiwan	Bethlehem Steel.
			Gallatin Steel.
			Independent Steelworkers.
			IPSCO.
			LTV Steel.
			National Steel.
			Nucor.
			Rouge Steel Co.
			Steel Dynamics.
			US Steel.
			United Steelworkers of America.
			WCI Steel Inc.
			Weirton Steel.
			Wheeling-Pittsburgh Steel Corp.
A–583–837	731–TA–934 ...	Polyethylene Terephthalate Film, Sheet and Strip (PET Film)/Taiwan.	DuPont Teijin Films.
			Mitsubishi Polyester Film LLC.
			SKC America Inc.
			Toray Plastics (America).
A–588–005	731–TA–48	High Power Microwave Amplifiers/Japan	Aydin.
			MCL.
A–588–015	AA1921–66	Television Receivers/Japan	AGIV (USA).
			Casio Computer.
			CBM America.
			Citizen Watch.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Funai Electric.
			Hitachi.
			Industrial Union Department.
			JC Penny.
			Matsushita.
			Mitsubishi Electric.
			Montgomery Ward.
			NEC.
			Orion Electric.
			PT Imports.
			Philips Electronics.
			Philips Magnavox.
			Sanyo.
			Sharp.
			Toshiba.
			Toshiba America Consumer Products.
			Victor Company of Japan.
			Zenith Electronics.
A–588–028	AA1921–111 ...	Roller Chain/Japan	Acme Chain Division, North American Rockwell.
			American Chain Association.
			Atlas Chain & Precision Products.
			Diamond Chain.
			Link-Belt Chain Division, FMC.
			Morse Chain Division, Borg Warner.
			Rex Chainbelt.
A–588–029	AA1921–85	Fish Netting of Man-Made Fiber/Japan	Jovanovich Supply.
			LFSI.
			Trans-Pacific Trading.
A–588–038	AA1921–98	Bicycle Speedometers/Japan	Avocet.
			Cat Eye.
			Diversified Products.
			NS International.
			Sanyo Electric.
			Stewart-Warner.
A–588–041	AA1921–115 ...	Synthetic Methionine/Japan	Monsanto.
A–588–045	AA1921–124 ...	Steel Wire Rope/Japan	AMSTED Industries.
A–588–046	AA1921–129 ...	Polychloroprene Rubber/Japan	E I du Pont de Nemours.
A–588–054	AA1921–143 ...	Tapered Roller Bearings 4 Inches and Under/Japan	No companies identified as petitioners at the Commission; Commerce service list identifies:
			American Honda Motor.
			Federal Mogul.
			Ford Motor.
			General Motors.
			Honda.
			Hoover-NSK Bearing.
			Isuzu.
			Itocho.
			ITOCHU International.
			Kanematsu-Goshu USA.
			Kawasaki Heavy Duty Industries.
			Komatsu America.
			Koyo Seiko.
			Kubota Tractor.
			Mitsubishi.
			Motorambar.
			Nachi America.
			Nachi Western.
			Nachi-Fujikoshi.
			Nippon Seiko.
			Nissan Motor.
			Nissan Motor USA.
			NSK.
			NTN.
			Subaru of America.
			Sumitomo.
			Suzuki Motor.
			Timken.
			Toyota Motor Sales.
			Yamaha Motors.
A–588–055	AA1921–154 ...	Acrylic Sheet/Japan	Polycast Technology.
A–588–056	AA1921–162 ...	Melamine/Japan	Melamine Chemical.
A–588–068	AA1921–188 ...	Prestressed Concrete Steel Wire Strand/Japan	American Spring Wire.
			Armco Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Bethlehem Steel.
			CF&I Steel.
			Florida Wire & Cable.
A–588–405	731–TA–207	Cellular Mobile Telephones/Japan	EF Johnson.
			Motorola.
A–588–602	731–TA–309	Carbon Steel Butt-Weld Pipe Fittings/Japan	Ladish.
			Mills Iron Works.
			Steel Forgings.
			Tube Forgings of America.
			Weldbend.
A–588–604	731–TA–343	Tapered Roller Bearings Over 4 Inches/Japan	L&S Bearing.
			Timken.
			Torrington.
A–588–605	731–TA–347	Malleable Cast Iron Pipe Fittings/Japan	Grinnell.
			Stanley G Flagg.
			Stockham Valves & Fittings.
			U-Brand.
			Ward Manufacturing.
A–588–609	731–TA–368	Color Picture Tubes/Japan	Industrial Union Department, AFL–CIO.
			International Association of Machinists & Aerospace Workers.
			International Brotherhood of Electrical Workers.
			International Union of Electronic, Electrical, Technical, Salaried and Machine Workers.
			Philips Electronic Components Group.
			United Steelworkers of America.
			Zenith Electronics.
A–588–702	731–TA–376	Stainless Steel Butt-Weld Pipe Fittings/Japan	Flo-Mac Inc.
			Flowline.
			Shaw Alloy Piping Products.
			Taylor Forge Stainless.
A–588–703	731–TA–377	Internal Combustion Industrial Forklift Trucks/Japan	Ad-Hoc Group of Workers from Hyster's Berea, Kentucky and Sulligent, Alabama Facilities.
			Allied Industrial Workers of America.
			Hyster.
			Independent Lift Truck Builders Union.
			International Association of Machinists & Aerospace Workers.
			United Shop & Service Employees.
A–588–704	731–TA–379	Brass Sheet and Strip/Japan	Allied Industrial Workers of America.
			American Brass.
			Bridgeport Brass.
			Chase Brass & Copper.
			Hussey Copper.
			International Association of Machinists & Aerospace Workers.
			Mechanics Educational Society of America (Local 56).
			The Miller Company.
			North Coast Brass & Copper.
			Olin.
			Pegg Metals.
			Revere Copper Products.
			United Steelworkers of America.
A–588–706	731–TA–384	Nitrile Rubber/Japan	Uniroyal Chemical.
A–588–707	731–TA–386	Granular Polytetrafluoroethylene/Japan	E I du Pont de Nemours.
			ICI Americas.
A–588–802	731–TA–389	3.5″ Microdisks/Japan	Verbatim.
A–588–804	731–TA–394–A	Ball Bearings/Japan	Barden Corp.
			Emerson Power Transmission.
			Kubar Bearings.
			McGill Manufacturing Co.
			MPB.
			Rexnord Inc.
			Rollway Bearings.
			Torrington.
A–588–804	731–TA–394–B	Cylindrical Roller Bearings/Japan	Barden Corp.
			Emerson Power Transmission.
			Kubar Bearings.
			MPB.
			Rollway Bearings.
			Torrington.
A–588–804	731–TA–394–C	Spherical Plain Bearings/Japan	Barden Corp.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Emerson Power Transmission.
			Kubar Bearings.
			Rollway Bearings.
			Torrington.
A–588–806	731–TA–408	Electrolytic Manganese Dioxide/Japan	Chemetals.
			Kerr-McGee.
			Rayovac.
A–588–807	731–TA–414	Industrial Belts/Japan	The Gates Rubber Company.
			The Goodyear Tire and Rubber Company.
A–588–809	731–TA–426	Small Business Telephone Systems/Japan	American Telephone & Telegraph.
			Comdial.
			Eagle Telephonic.
A–588–810	731–TA–429	Mechanical Transfer Presses/Japan	Allied Products.
			United Autoworkers of America.
			United Steelworkers of America.
A–588–811	731–TA–432	Drafting Machines/Japan	Vemco.
A–588–812	731–TA–440	Industrial Nitrocellulose/Japan	Hercules.
A–588–815	731–TA–461	Gray Portland Cement and Clinker/Japan	Calaveras Cement.
			Hanson Permanente Cement.
			Independent Workers of North America (Locals 49, 52, 89, 192 and 471).
			International Union of Operating Engineers (Local 12).
			National Cement Co Inc.
			National Cement Company of California.
			Southdown.
A–588–817	731–TA–469	Electroluminescent Flat-Panel Displays/Japan	The Cherry Corporation.
			Electro Plasma.
			Magnascreen.
			OIS Optical Imaging Systems.
			Photonics Technology.
			Planar Systems.
			Plasmaco.
A–588–823	731–TA–571	Professional Electric Cutting Tools/Japan	Black & Decker.
A–588–826	731–TA–617	Corrosion-Resistant Carbon Steel Flat Products/Japan.	Bethlehem Steel.
			California Steel Industries.
			Geneva Steel.
			Gulf States Steel.
			Lukens Steel.
			Nextech.
			Rouge Steel Co.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
			WCI Steel.
			Weirton Steel.
A–588–831	731–TA–660	Grain-Oriented Silicon Electrical Steel/Japan	Allegheny Ludlum.
			Armco Steel.
			United Steelworkers of America.
A–588–833	731–TA–681	Stainless Steel Bar/Japan	AL Tech Specialty Steel.
			Carpenter Technology.
			Crucible Specialty Metals.
			Electralloy.
			Republic Engineered Steels.
			Slater Steels.
			Talley Metals Technology.
			United Steelworkers of America.
A–588–835	731–TA–714	Oil Country Tubular Goods/Japan	IPSCO.
			Koppel Steel.
			Lone Star Steel Co.
			Maverick Tube.
			Newport Steel.
			North Star Steel.
			US Steel.
A–588–836	731–TA–727	Polyvinyl Alcohol/Japan	Air Products and Chemicals.
A–588–837	731–TA–737	Large Newspaper Printing Presses/Japan	Rockwell Graphics Systems.
A–588–838	731–TA–739	Clad Steel Plate/Japan	Lukens Steel.
A–588–839	731–TA–740	Sodium Azide/Japan	American Azide.
A–588–840	731–TA–748	Gas Turbo-Compressor Systems/Japan	Demag Delaval.
			Dresser-Rand.
			United Steelworkers of America.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–588–841	731–TA–750	Vector Supercomputers/Japan	Cray Research.
A–588–843	731–TA–771	Stainless Steel Wire Rod/Japan	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A–588–845	731–TA–800	Stainless Steel Sheet and Strip/Japan	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A–588–846	731–TA–807	Hot-Rolled Carbon Steel Flat Products/Japan	Acme Steel. Bethlehem Steel. California Steel Industries. Gallatin Steel. Geneva Steel. Gulf States Steel. Independent Steelworkers. IPSCO. Ispat/Inland. LTV Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–588–847	731–TA–820	Cut-to-Length Carbon Steel Plate/Japan	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
A–588–850	731–TA–847	Large-Diameter Carbon Steel Seamless Pipe/Japan	North Star Steel. Timken. US Steel. United Steelworkers of America. USS/Kobe.
A–588–851	731–TA–847	Small-Diameter Carbon Steel Seamless Pipe/Japan	Koppel Steel. North Star Steel. Sharon Tube. Timken. US Steel. United Steelworkers of America. USS/Kobe. Vision Metals' Gulf States Tube.
A–588–852	731–TA–853	Structural Steel Beams/Japan	Northwestern Steel and Wire. Nucor. Nucor-Yamato Steel. TXI-Chaparral Steel. United Steelworkers of America.
A–588–854	731–TA–860	Tin-Mill Products/Japan	Independent Steelworkers. United Steelworkers of America. Weirton Steel.
A–588–856	731–TA–888	Stainless Steel Angle/Japan	Slater Steels. United Steelworkers of America.
A–588–857	731–TA–919	Welded Large Diameter Line Pipe/Japan	American Cast Iron Pipe. Berg Steel Pipe. Bethlehem Steel. Napa Pipe/Oregon Steel Mills. Saw Pipes USA. Stupp. US Steel.
A–588–861	731–TA–1016	Polyvinyl Alcohol/Japan	Celenex Ltd. E I du Pont de Nemours & Co.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A–588–862	731–TA–1023	Certain Ceramic Station Post Insulators/Japan	Lapp Insulator Co LLC. Newell Porcelain Co Inc. Victor Insulators Inc.
A–588–866	731–TA–1090	Superalloy Degassed Chromium/Japan	Eramet Marietta Inc.
A–602–803	731–TA–612	Corrosion-Resistant Carbon Steel Flat Products/Australia.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A–791–805	731–TA–792	Stainless Steel Plate in Coils/South Africa	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
A–791–808	731–TA–850	Small-Diameter Carbon Steel Seamless Pipe/South Africa.	Koppel Steel. North Star Steel. Sharon Tube. Timken. US Steel. United Steelworkers of America. USS/Kobe. Vision Metals' Gulf States Tube.
A–791–809	731–TA–905	Hot-Rolled Steel Products/South Africa	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–791–815	731–TA–987	Ferrovanadium/South Africa	Bear Metallurgical Co. Shieldalloy Metallurgical Corp.
A–821–801	731–TA–340E	Solid Urea/Russia	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–821–802	731–TA–539–C	Uranium/Russia	Ferret Exploration. First Holding. Geomex Minerals. IMC Fertilizer. Malapai Resources. Oil, Chemical and Atomic Workers. Pathfinder Mines. Power Resources. Rio Algom Mining. Solution Mining. Total Minerals. Umetco Minerals. Uranium Resources.
A–821–804	731–TA–568	Ferrosilicon/Russia	AIMCOR.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Alabama Silicon.
			American Alloys.
			Globe Metallurgical.
			Oil, Chemical and Atomic Workers (Local 389).
			Silicon Metaltech.
			United Autoworkers of America (Local 523).
			United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A–821–805	731–TA–697 ...	Pure Magnesium/Russia	Dow Chemical.
			International Union of Operating Engineers (Local 564).
			Magnesium Corporation of America.
			United Steelworkers of America (Local 8319).
A–821–807	731–TA–702 ...	Ferrovanadium and Nitrided Vanadium/Russia	Shieldalloy Metallurgical.
A–821–809	731–TA–808 ...	Hot-Rolled Carbon Steel Flat Products/Russia	Acme Steel.
			Bethlehem Steel.
			California Steel Industries.
			Gallatin Steel.
			Geneva Steel.
			Gulf States Steel.
			Independent Steelworkers.
			IPSCO.
			Ispat/Inland.
			LTV Steel.
			National Steel.
			Nucor.
			Rouge Steel Co.
			Steel Dynamics.
			US Steel.
			United Steelworkers of America.
			WCI Steel.
			Weirton Steel.
			Wheeling-Pittsburgh Steel Corp.
A–821–811	731–TA–856 ...	Ammonium Nitrate/Russia	Agrium.
			Air Products and Chemicals.
			El Dorado Chemical.
			LaRoche.
			Mississippi Chemical.
			Nitram.
			Wil-Gro Fertilizer.
A–821–817	731–TA–991 ...	Silicon Metal/Russia	Globe Metallurgical Inc.
			SIMCALA Inc.
A–821–819	731–TA–1072	Pure and Alloy Magnesium/Russia	Garfield Alloys Inc.
			Glass, Molders, Pottery, Plastics & Allied Workers International Local 374.
			Halaco Engineering.
			MagReTech Inc.
			United Steelworkers of America Local 8319.
			US Magnesium LLC.
A–822–801	731–TA–340B	Solid Urea/Belarus	Agrico Chemical.
			American Cyanamid.
			CF Industries.
			First Mississippi.
			Mississippi Chemical.
			Terra International.
			WR Grace.
A–822–804	731–TA–873 ...	Steel Concrete Reinforcing Bar/Belarus	AB Steel Mill Inc.
			AmeriSteel.
			Auburn Steel.
			Birmingham Steel.
			Border Steel.
			Cascade Steel Rolling Mills Inc.
			CMC Steel Group.
			Co-Steel Inc.
			Marion Steel.
			North Star Steel Co.
			Nucor Steel.
			Rebar Trade Action Coalition.
			Riverview Steel.
			Sheffield Steel.
			TAMCO.
			TXI-Chaparral Steel Co.
A–823–801	731–TA–340H	Solid Urea/Ukraine	Agrico Chemical.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			American Cyanamid.
			CF Industries.
			First Mississippi.
			Mississippi Chemical.
			Terra International.
			WR Grace.
A–823–802	731–TA–539–E	Uranium/Ukraine	Ferret Exploration.
			First Holding.
			Geomex Minerals.
			IMC Fertilizer.
			Malapai Resources.
			Oil, Chemical and Atomic Workers.
			Pathfinder Mines.
			Power Resources.
			Rio Algom Mining.
			Solution Mining.
			Total Minerals.
			Umetco Minerals.
			Uranium Resources.
A–823–804	731–TA–569 ...	Ferrosilicon/Ukraine	AIMCOR.
			Alabama Silicon.
			American Alloys.
			Globe Metallurgical.
			Oil, Chemical and Atomic Workers (Local 389).
			Silicon Metaltech.
			United Autoworkers of America (Local 523).
			United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A–823–805	731–TA–673 ...	Silicomanganese/Ukraine	Elkem Metals.
			Oil, Chemical and Atomic Workers (Local 3–639).
A–823–809	731–TA–882 ...	Steel Concrete Reinforcing Bar/Ukraine	AB Steel Mill Inc.
			AmeriSteel.
			Auburn Steel.
			Birmingham Steel.
			Border Steel.
			Cascade Steel Rolling Mills Inc.
			CMC Steel Group.
			Co-Steel Inc.
			Marion Steel.
			North Star Steel Co.
			Nucor Steel.
			Rebar Trade Action Coalition.
			Riverview Steel.
			Sheffield Steel.
			TAMCO.
			TXI-Chaparral Steel Co.
A–823–810	731–TA–894 ...	Ammonium Nitrate/Ukraine	Agrium.
			Air Products and Chemicals.
			Committee for Fair Ammonium Nitrate Trade.
			El Dorado Chemical.
			LaRoche Industries.
			Mississippi Chemical.
			Nitram.
			Prodica.
A–823–811	731–TA–908 ...	Hot-Rolled Steel Products/Ukraine	Bethlehem Steel.
			Gallatin Steel.
			Independent Steelworkers.
			IPSCO.
			LTV Steel.
			National Steel.
			Nucor.
			Rouge Steel Co.
			Steel Dynamics.
			US Steel.
			United Steelworkers of America.
			WCI Steel Inc.
			Weirton Steel.
			Wheeling-Pittsburgh Steel Corp.
A–823–812	731–TA–962 ...	Carbon and Certain Alloy Steel Wire Rod/Ukraine	AmeriSteel.
			Birmingham Steel.
			Cascade Steel Rolling Mills.
			Connecticut Steel Corp.
			Co-Steel Raritan.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A–831–801	731–TA–340A	Solid Urea/Armenia	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–834–806	731–TA–902 ...	Hot-Rolled Steel Products/Kazakhstan	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dymanics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–834–807	731–TA–930 ...	Silicomanganese/Kazakhstan	Eramet Marietta. Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5–0639.
A–841–804	731–TA–879 ...	Steel Concrete Reinforcing Bar/Moldova	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co.
A–841–805	731–TA–959 ...	Carbon and Certain Alloy Steel Wire Rod/Moldova ...	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A–842–801	731–TA–340F	Solid Urea/Tajikistan	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–843–801	731–TA–340G	Solid Urea/Turkmenistan	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A–843–802	731–TA–539 ...	Uranium/Kazakhstan	Ferret Exploration. First Holding.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Geomex Minerals.
			IMC Fertilizer.
			Malapai Resources.
			Oil, Chemical and Atomic Workers.
			Pathfinder Mines.
			Power Resources.
			Rio Algom Mining.
			Solution Mining.
			Total Minerals.
			Umetco Minerals.
			Uranium Resources.
A–843–804	731–TA–566 ...	Ferrosilicon/Kazakhstan	AIMCOR.
			Alabama Silicon.
			American Alloys.
			Globe Metallurgical.
			Oil, Chemical and Atomic Workers (Local 389).
			Silicon Metaltech.
			United Autoworkers of America (Local 523).
			United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A–844–801	731–TA–340I ..	Solid Urea/Uzbekistan	Agrico Chemical.
			American Cyanamid.
			CF Industries.
			First Mississippi.
			Mississippi Chemical.
			Terra International.
			WR Grace.
A–844–802	731–TA–539–F	Uranium/Uzbekistan	Ferret Exploration.
			First Holding.
			Geomex Minerals.
			IMC Fertilizer.
			Malapai Resources.
			Oil, Chemical and Atomic Workers.
			Pathfinder Mines.
			Power Resources.
			Rio Algom Mining.
			Solution Mining.
			Total Minerals.
			Umetco Minerals.
			Uranium Resources.
A–851–802	731–TA–846 ...	Small-Diameter Carbon Steel Seamless Pipe/Czech Republic.	Koppel Steel.
			North Star Steel.
			Sharon Tube.
			Timken.
			US Steel.
			United Steelworkers of America.
			USS/Kobe.
			Vision Metals' Gulf States Tube.
C–122–404	701–TA–224 ...	Live Swine/Canada	National Pork Producers Council.
			Wilson Foods.
C–122–805	701–TA–297 ...	Steel Rails/Canada	Bethlehem Steel.
			CF&I Steel.
C–122–815	701–TA–309–A	Alloy Magnesium/Canada	Magnesium Corporation of America.
C–122–815	701–TA–309–B	Pure Magnesium/Canada	Magnesium Corporation of America.
C–122–839	701–TA–414 ...	Softwood Lumber/Canada	71 Lumber Co.
			Almond Bros Lbr Co.
			Anthony Timberlands.
			Balfour Lbr Co.
			Ball Lumber.
			Banks Lumber Company.
			Barge Forest Products Co.
			Beadles Lumber Co.
			Bearden Lumber.
			Bennett Lumber.
			Big Valley Band Mill.
			Bighorn Lumber Co Inc.
			Blue Mountain Lumber.
			Buddy Bean Lumber.
			Burgin Lumber Co Ltd.
			Burt Lumber Company.
			C&D Lumber Co.
			Ceda-Pine Veneer.
			Cersosimo Lumber Co Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Charles Ingram Lumber Co Inc.
			Charleston Heart Pine.
			Chesterfield Lumber.
			Chips.
			Chocorua Valley Lumber Co.
			Claude Howard Lumber.
			Clearwater Forest Industries.
			CLW Inc.
			CM Tucker Lumber Corp.
			Coalition for Fair Lumber Imports Executive Committee.
			Cody Lumber Co.
			Collins Pine Co.
			Collums Lumber.
			Columbus Lumber Co.
			Contoocook River Lumber.
			Conway Guiteau Lumber.
			Cornwright Lumber Co.
			Crown Pacific.
			Daniels Lumber Inc.
			Dean Lumber Co Inc.
			Deltic Timber Corporation.
			Devils Tower Forest Products.
			DiPrizio Pine Sales.
			Dorchester Lumber Co.
			DR Johnson Lumber.
			East Brainerd Lumber Co.
			East Coast Lumber Company.
			Eas-Tex Lumber.
			ECK Wood Products.
			Ellingson Lumber Co.
			Elliott Sawmilling.
			Empire Lumber Co.
			Evergreen Forest Products.
			Excalibur Shelving Systems Inc.
			Exley Lumber Co.
			FH Stoltze Land & Lumber Co.
			FL Turlington Lbr Co Inc.
			Fleming Lumber.
			Flippo Lumber.
			Floragen Forest Products.
			Frank Lumber Co.
			Franklin Timber Co.
			Fred Tebb & Sons.
			Fremont Sawmill.
			Frontier Resources.
			Garrison Brothers Lumber Co and Subsidiaries.
			Georgia Lumber.
			Gilman Building Products.
			Godfrey Lumber.
			Granite State Forest Prod Inc.
			Great Western Lumber Co.
			Greenville Molding Inc.
			Griffin Lumber Company.
			Guess Brothers Lumber.
			Gulf Lumber.
			Gulf States Paper.
			Guy Bennett Lumber.
			Hampton Resources.
			Hancock Lumber.
			Hankins Inc.
			Hankins Lumber Co.
			Harrigan Lumber.
			Harwood Products.
			Haskell Lumber Inc.
			Hatfield Lumber.
			Hedstrom Lumber.
			Herrick Millwork Inc.
			HG Toler & Son Lumber Co Inc.
			HG Wood Industries LLC.
			Hogan & Storey Wood Prod.
			Hogan Lumber Co.
			Hood Industries.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			HS Hofler & Sons Lumber Co Inc. Hubbard Forest Ind Inc. HW Culp Lumber Co. Idaho Veneer Co. Industrial Wood Products. Intermountain Res LLC. International Paper. J Franklin Jones Lumber Co Inc. Jack Batte & Sons Inc. Jasper Lumber Company. JD Martin Lumber Co. JE Jones Lumber Co. Jerry G Williams & Sons. JH Knighton Lumber Co. Johnson Lumber Company. Jordan Lumber & Supply. Joseph Timber Co. JP Haynes Lbr Co Inc. JV Wells Inc. JW Jones Lumber. Keadle Lumber Enterprises. Keller Lumber. King Lumber Co. Konkolville Lumber. Langdale Forest Products. Laurel Lumber Company. Leavitt Lumber Co. Leesville Lumber Co. Limington Lumber Co. Longview Fibre Co. Lovell Lumber Co Inc. M Kendall Lumber Co. Manke Lumber Co. Marriner Lumber Co. Mason Lumber. MB Heath & Sons Lumber Co. MC Dixon Lumber Co Inc. Mebane Lumber Co Inc. Metcalf Lumber Co Inc. Millry Mill Co Inc. Moose Creek Lumber Co. Moose River Lumber. Morgan Lumber Co Inc. Mount Yonah Lumber Co. Nagel Lumber. New Kearsarge Corp. New South. Nicolet Hardwoods. Nieman Sawmills SD. Nieman Sawmills WY. North Florida. Northern Lights Timber & Lumber. Northern Neck Lumber Co. Ochoco Lumber Co. Olon Belcher Lumber Co. Owens and Hurst Lumber. Packaging Corp of America. Page & Hill Forest Products. Paper, Allied-Industrial, Chemical and Energy Workers International Union. Parker Lumber. Pate Lumber Co Inc. PBS Lumber. Pedigo Lumber Co. Piedmont Hardwood Lumber Co. Pine River Lumber Co. Pinecrest Lumber Co. Pleasant River Lumber Co. Pleasant Western Lumber Inc. Plum Creek Timber. Pollard Lumber. Portac. Potlatch.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Potomac Supply.
			Precision Lumber Inc.
			Pruitt Lumber Inc.
			R Leon Williams Lumber Co.
			RA Yancey Lumber.
			Rajala Timber Co.
			Ralph Hamel Forest Products.
			Randy D Miller Lumber.
			Rappahannock Lumber Co.
			Regulus Stud Mills Inc.
			Riley Creek Lumber.
			Roanoke Lumber Co.
			Robbins Lumber.
			Robertson Lumber.
			Roseburg Forest Products Co.
			Rough & Ready.
			RSG Forest Products.
			Rushmore Forest Products.
			RY Timber Inc.
			Sam Mabry Lumber Co.
			Scotch Lumber.
			SDS Lumber Co.
			Seacoast Mills Inc.
			Seago Lumber.
			Seattle-Snohomish.
			Seneca Sawmill.
			Shaver Wood Products.
			Shearer Lumber Products.
			Shuqualak Lumber.
			SI Storey Lumber.
			Sierra Forest Products.
			Sierra Pacific Industries.
			Sigfridson Wood Products.
			Silver City Lumber Inc.
			Somers Lbr & Mfg Inc.
			South & Jones.
			South Coast.
			Southern Forest Industries Inc.
			Southern Lumber.
			St Laurent Forest Products.
			Starfire Lumber Co.
			Steely Lumber Co Inc.
			Stimson Lumber.
			Summit Timber Co.
			Sundance Lumber.
			Superior Lumber.
			Swanson Superior Forest Products Inc.
			Swift Lumber.
			Tamarack Mill.
			Taylor Lumber & Treating Inc.
			Temple-Inland Forest Products.
			Thompson River Lumber.
			Three Rivers Timber.
			Thrift Brothers Lumber Co Inc.
			Timco Inc.
			Tolleson Lumber.
			Toney Lumber.
			TR Miller Mill Co.
			Tradewinds of Virginia Ltd.
			Travis Lumber Co.
			Tree Source Industries Inc.
			Tri-State Lumber.
			TTT Studs.
			United Brotherhood of Carpenters and Joiners.
			Viking Lumber Co.
			VP Kiser Lumber Co.
			Walton Lumber Co Inc.
			Warm Springs Forest Products.
			Westvaco Corp.
			Wilkins, Kaiser & Olsen Inc.
			WM Shepherd Lumber Co.
			WR Robinson Lumber Co Inc.
			Wrenn Brothers Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Wyoming Sawmills.
			Yakama Forest Products.
			Younce & Ralph Lumber Co Inc.
			Zip-O-Log Mills Inc.
C–122–841	701–TA–418 ...	Carbon and Certain Alloy Steel Wire Rod/Canada	AmeriSteel.
			Birmingham Steel.
			Cascade Steel Rolling Mills.
			Connecticut Steel Corp.
			Co-Steel Raritan.
			GS Industries.
			Keystone Consolidated Industries.
			North Star Steel Texas.
			Nucor Steel-Nebraska (a division of Nucor Corp).
			Republic Technologies International.
			Rocky Mountain Steel Mills.
C–122–848	701–TA–430B	Hard Red Spring Wheat/Canada	North Dakota Wheat Commission.
C–201–505	701–TA–265 ...	Porcelain-on-Steel Cooking Ware/Mexico	General Housewares.
C–201–810	701–TA–325 ...	Cut-to-Length Carbon Steel Plate/Mexico	Bethlehem Steel.
			California Steel Industries.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Inland Steel Industries.
			Lukens Steel.
			National Steel.
			Nextech.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
C–307–804	303–TA–21	Gray Portland Cement and Clinker/Venezuela	Florida Crushed Stone.
			Southdown.
			Tarmac America.
C–307–808	303–TA–23	Ferrosilicon/Venezuela	AIMCOR.
			Alabama Silicon.
			American Alloys.
			Globe Metallurgical.
			Oil, Chemical and Atomic Workers (Local 389).
			Silicon Metaltech.
			United Autoworkers of America (Local 523).
			United Steelworkers of America (Locals 2528, 3081 5171 and 12646).
C–333–401	701–TA–E	Cotton Shop Towels/Peru	No case at the Commission; Commerce service list identifies:
			Durafab.
			Kleen-Tex Industries.
			Lewis Eckert Robb.
			Milliken.
			Pavis & Harcourt.
C–351–037	104–TAA–21 ...	Cotton Yarn/Brazil	American Yarn Spinners Association.
			Harriet & Henderson Yarns.
			LaFar Industries.
C–351–504	701–TA–249 ...	Heavy Iron Construction Castings/Brazil	Alhambra Foundry.
			Allegheny Foundry.
			Bingham & Taylor.
			Campbell Foundry.
			Charlotte Pipe & Foundry.
			Deeter Foundry.
			East Jordan Foundry.
			Le Baron Foundry.
			Municipal Castings.
			Neenah Foundry.
			Opelika Foundry.
			Pinkerton Foundry.
			Tyler Pipe.
			US Foundry & Manufacturing.
			Vulcan Foundry.
C–351–604	701–TA–269 ...	Brass Sheet and Strip/Brazil	Allied Industrial Workers of America.
			American Brass.
			Bridgeport Brass.
			Chase Brass & Copper.
			Hussey Copper.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
C–351–818	701–TA–320 ...	Cut-to-Length Carbon Steel Plate/Brazil	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C–351–829	701–TA–384 ...	Hot-Rolled Carbon Steel Flat Products/Brazil	Acme Steel. Bethlehem Steel. California Steel Industries. Gallatin Steel. Geneva Steel. Gulf States Steel. Independent Steelworkers. IPSCO. Ispat/Inland. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
C–351–833	701–TA–417 ...	Carbon and Certain Alloy Steel Wire Rod/Brazil	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
C–357–004	701–TA–A	Carbon Steel Wire Rod/Argentina	Atlantic Steel. Continental Steel. Georgetown Steel. North Star Steel. Raritan River Steel.
C–357–813	701–TA–402 ...	Honey/Argentina	AH Meyer & Sons. Adee Honey Farms. Althoff Apiaries. American Beekeeping Federation. American Honey Producers Association. Anderson Apiaries. Arroyo Apiaries. Artesian Honey Producers. B Weaver Apiaries. Bailey Enterprises. Barkman Honey. Basler Honey Apiary. Beals Honey. Bears Paw Apiaries. Beaverhead Honey. Bee Biz.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Bee Haven Honey. Belliston Brothers Apiaries. Big Sky Honey. Bill Rhodes Honey. Richard E Blake. Curt Bronnenbery. Brown's Honey Farms. Brumley's Bees. Buhmann Apiaries. Carys Honey Farms. Chaparrel Honey. Charles Apiaries. Mitchell Charles. Collins Honey. Conor Apiaries. Coy's Honey Farm. Dave Nelson Apiaries. Delta Bee. Eisele's Pollination & Honey. Ellingsoa's. Elliott Curtis & Sons. Charles L Emmons, Sr. Gause Honey. Gene Brandi Apiaries. Griffith Honey. Haff Apiaries. Hamilton Bee Farms. Hamilton Honey. Happie Bee. Harvest Honey. Harvey's Honey. Hiatt Honey. Hoffman Honey. Hollman Apiaries. Honey House. Honeybee Apiaries. Gary M Honl. Rand William Honl and Sydney Jo Honl. James R & Joann Smith Trust. Jaynes Bee Products. Johnston Honey Farms. Larry Johnston. Ke-An Honey. Kent Honeybees. Lake-Indianhead Honey Farms. Lamb's Honey Farm. Las Flores Apiaries. Mackrill Honey Farms & Sales. Raymond Marquette. Mason & Sons Honey. McCoy's Sunny South Apiaries. Merrimack Valley Apiaries & Evergreen Honey. Met 2 Honey Farm. Missouri River Honey. Mitchell Brothers Honey. Monda Honey Farm. Montana Dakota Honey. Northern Bloom Honey. Noye's Apiaries. Oakes Honey. Oakley Honey Farms. Old Mill Apiaries. Opp Honey. Oro Dulce. Peterson's "Naturally Sweet" Honey. Potoczak Bee Farms. Price Apiaries. Pure Sweet Honey Farms. Robertson Pollination Service. Robson Honey. William Robson. Rosedale Apiaries. Ryan Apiaries.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Schmidt Honey Farms. Simpson Apiaries. Sioux Honey Association. Smoot Honey. Solby Honey. Stahlman Apiaries. Steve E Parks Apiaries. Stroope Bee & Honey. T&D Honey Bee. Talbott's Honey. Terry Apiaries. Thompson Apiaries. Triple A Farm. Tropical Blossom Honey. Tubbs Apiaries. Venable Wholesale. Walter L Wilson Buzz 76 Apiaries. Wiebersiek Honey Farms. Wilmer Farms. Brent J Woodworth. Wooten's Golden Queens. Yaddof Apiaries.
C–357–815	701–TA–404 ...	Hot-Rolled Steel Products/Argentina	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
C–401–401	701–TA–231 ...	Cold-Rolled Carbon Steel Flat Products/Sweden	Bethlehem Steel. Chaparral. US Steel.
C–401–804	701–TA–327 ...	Cut-to-Length Carbon Steel Plate/Sweden	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C–403–802	701–TA–302 ...	Fresh and Chilled Atlantic Salmon/Norway	Heritage Salmon. The Coalition for Fair Atlantic Salmon Trade.
C–408–046	104–TAA–7	Sugar/EU	No petition at the Commission; Commerce service list identifies: AJ Yates. Alexander & Baldwin. American Farm Bureau Federation. American Sugar Cane League. American Sugarbeet Growers Association. Amstar Sugar. Florida Sugar Cane League. Florida Sugar Marketing and Terminal Association. H&R Brokerage. Hawaiian Agricultural Research Center. Leach Farms. Michigan Farm Bureau. Michigan Sugar. Rio Grande Valley Sugar Growers Association. Sugar Cane Growers Cooperative of Florida. Talisman Sugar.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			US Beet Sugar Association. United States Beet Sugar Association. United States Cane Sugar Refiners' Association.
C–412–815	701–TA–328 ...	Cut-to-Length Carbon Steel Plate/United Kingdom	Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C–412–821	701–TA–412 ...	Low Enriched Uranium/United Kingdom	United States Enrichment Corp. USEC Inc.
C–421–601	701–TA–278 ...	Fresh Cut Flowers/Netherlands	Burdette Coward. California Floral Council. Floral Trade Council. Florida Flower Association. Gold Coast Uanko Nursery. Hollandia Wholesale Florist. Manatee Fruit. Monterey Flower Farms. Topstar Nursery.
C–421–809	701–TA–411 ...	Low Enriched Uranium/Netherlands	United States Enrichment Corp. USEC Inc.
C–423–806	701–TA–319 ...	Cut-to-Length Carbon Steel Plate/Belgium	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C–423–809	701–TA–376 ...	Stainless Steel Plate in Coils/Belgium	Allegheny Ludlum. Armco Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
C–427–603	701–TA–270 ...	Brass Sheet and Strip/France	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
C–427–805	701–TA–315 ...	Hot-Rolled Lead and Bismuth Carbon Steel Products/France.	Bethlehem Steel. Inland Steel Industries. USS/Kobe Steel.
C–427–810	701–TA–348 ...	Corrosion-Resistant Carbon Steel Flat Products/France.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C–427–815	701–TA–380 ...	Stainless Steel Sheet and Strip/France	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
C–427–817	701–TA–387 ...	Cut-to-Length Carbon Steel Plate/France	Bethlehem Steel. Geneva Steel. IPSCO Steel. National Steel. US Steel. United Steelworkers of America.
C–427–819	701–TA–409 ...	Low Enriched Uranium/France	United States Enrichment Corp. USEC Inc.
C–428–817	701–TA–340 ...	Cold-Rolled Carbon Steel Flat Products/Germany	Armco Steel. Bethlehem Steel. California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C–428–817	701–TA–349 ...	Corrosion-Resistant Carbon Steel Flat Products/Germany.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C–428–817	701–TA–322 ...	Cut-to-Length Carbon Steel Plate/Germany	Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C–428–829	701–TA–410 ...	Low Enriched Uranium/Germany	United States Enrichment Corp.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			USEC Inc.
C–437–805	701–TA–426	Sulfanilic Acid/Hungary	Nation Ford Chemical.
C–469–004	701–TA–178	Stainless Steel Wire Rod/Spain	AL Tech Specialty Steel.
			Armco Steel.
			Carpenter Technology.
			Colt Industries.
			Cyclops.
			Guterl Special Steel.
			Joslyn Stainless Steels.
			Republic Steel.
C–469–804	701–TA–326	Cut-to-Length Carbon Steel Plate/Spain	Bethlehem Steel.
			California Steel Industries.
			CitiSteel USA Inc.
			Geneva Steel.
			Gulf States Steel.
			Inland Steel Industries.
			Lukens Steel.
			National Steel.
			Nextech.
			Sharon Steel.
			Theis Precision Steel.
			Thompson Steel.
			US Steel.
			United Steelworkers of America.
C–475–812	701–TA–355	Grain-Oriented Silicon Electrical Steel/Italy	Allegheny Ludlum.
			Armco Steel.
			Butler Armco Independent Union.
			United Steelworkers of America.
			Zanesville Armco Independent Union.
C–475–815	701–TA–362	Seamless Pipe/Italy	Koppel Steel.
			Quanex.
			Timken.
			United States Steel.
C–475–817	701–TA–364	Oil Country Tubular Goods/Italy	IPSCO.
			Koppel Steel.
			Lone Star Steel.
			Maverick Tube.
			Newport Steel.
			North Star Steel.
			US Steel.
			USS/Kobe.
C–475–819	701–TA–365	Pasta/Italy	A Zerega's Sons.
			American Italian Pasta.
			Borden.
			D Merlino & Sons.
			Dakota Growers Pasta.
			Foulds.
			Gilster-Mary Lee.
			Gooch Foods.
			Hershey Foods.
			LaRinascente Macaroni Co.
			Pasta USA.
			Philadelphia Macaroni.
			ST Specialty Foods.
C–475–821	701–TA–373	Stainless Steel Wire Rod/Italy	AL Tech Specialty Steel.
			Carpenter Technology.
			Republic Engineered Steels.
			Talley Metals Technology.
			United Steelworkers of America.
C–475–823	701–TA–377	Stainless Steel Plate in Coils/Italy	Allegheny Ludlum.
			Armco Steel.
			J&L Specialty Steel.
			Lukens Steel.
			North American Stainless.
			United Steelworkers of America.
C–475–825	701–TA–381	Stainless Steel Sheet and Strip/Italy	Allegheny Ludlum.
			Armco Steel.
			Bethlehem Steel.
			Butler Armco Independent Union.
			Carpenter Technology Corp.
			J&L Specialty Steel.
			North American Stainless.
			United Steelworkers of America.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C–475–827	701–TA–390	Cut-to-Length Carbon Steel Plate/Italy	Zanesville Armco Independent Organization. Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. US Steel. United Steelworkers of America.
C–475–830	701–TA–413	Stainless Steel Bar/Italy	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
C–489–502	701–TA–253	Welded Carbon Steel Pipe and Tube/Turkey	Allied Tube & Conduit. American Tube. Bernard Epps. Bock Industries. Bull Moose Tube. Central Steel Tube. Century Tube. Copperweld Tubing. Cyclops. Hughes Steel & Tube. Kaiser Steel. Laclede Steel. Maruichi American. Maverick Tube. Merchant Metals. Phoenix Steel. Pittsburgh Tube. Quanex. Sharon Tube. Southwestern Pipe. UNR-Leavitt. Welded Tube. Western Tube & Conduit. Wheatland Tube.
C–489–806	701–TA–366	Pasta/Turkey	A Zerega's Sons. American Italian Pasta. Borden. D Merlino & Sons. Dakota Growers Pasta. Foulds. Gilster-Mary Lee. Gooch Foods. Hershey Foods. LaRinascente Macaroni Co. Pasta USA. Philadelphia Macaroni. ST Specialty Foods.
C–507–501	N/A	Raw In-Shell Pistachios/Iran	Blackwell Land Co. Cal Pure Pistachios Inc. California Pistachio Commission. California Pistachio Orchards. Keenan Farms Inc. Kern Pistachio Hulling & Drying Co-Op. Los Rancheros de Poco Pedro. Pistachio Producers of California. TM Duche Nut Co Inc.
C–507–601	N/A	Roasted In-Shell Pistachios/Iran	Cal Pure Pistachios Inc. California Pistachio Commission. Keenan Farms Inc. Kern Pistachio Hulling & Drying Co-Op. Pistachio Producers of California. TM Duche Nut Co Inc.
C–508–605	701–TA–286	Industrial Phosphoric Acid/Israel	Albright & Wilson. FMC. Hydrite Chemical. Monsanto. Stauffer Chemical.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C–533–063	303–TA–13	Iron Metal Castings/India	Campbell Foundry. Le Baron Foundry. Municipal Castings. Neenah Foundry. Pinkerton Foundry. US Foundry & Manufacturing. Vulcan Foundry.
C–533–807	701–TA–318	Sulfanilic Acid/India	R–M Industries.
C–533–818	701–TA–388	Cut-to-Length Carbon Steel Plate/India	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
C–533–821	701–TA–405	Hot-Rolled Steel Products/India	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
C–533–825	701–TA–415	Polyethylene Terephthalate Film, Sheet and Strip (PET Film)/India.	DuPont Teijin Films. Mitsubishi Polyester Film LLC. SKC America Inc. Toray Plastics (America).
C–533–829	701–TA–432	Prestressed Concrete Steel Wire Strand/India	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
C–533–839	701–TA–437	Carbazole Violet Pigment 23/India	Allegheny Color Corp. Barker Fine Color Inc. Clariant Corp. Nation Ford Chemical Co. Sun Chemical Co.
C–533–844	701–TA–442	Certain Lined Paper School Supplies/India	Fay Paper Products Inc. MeadWestvaco Consumer & Office Products. Norcom Inc. Pacon Corp. Roaring Spring Blank Book Co. Top Flight Inc. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW).
C–535–001	701–TA–202	Cotton Shop Towels/Pakistan	Milliken.
C–549–818	701–TA–408	Hot-Rolled Steel Products/Thailand	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
C–560–806	701–TA–389	Cut-to-Length Carbon Steel Plate/Indonesia	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C–560–813	701–TA–406 ...	Hot-Rolled Steel Products/Indonesia	IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
C–560–819	701–TA–443 ...	Certain Lined Paper School Supplies/Indonesia	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
C–580–602	701–TA–267 ...	Top-of-the-Stove Stainless Steel Cooking Ware/ Korea.	Fay Paper Products Inc. MeadWestvaco Consumer & Office Products. Norcom Inc. Pacon Corp. Roaring Spring Blank Book Co. Top Flight Inc. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (USW).
C–580–818	701–TA–342 ...	Cold-Rolled Carbon Steel Flat Products/Korea	Farberware. Regal Ware. Revere Copper & Brass. WearEver/Proctor Silex.
C–580–818	701–TA–350 ...	Corrosion-Resistant Carbon Steel Flat Products/ Korea.	Armco Steel. Bethlehem Steel. California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C–580–835	701–TA–382 ...	Stainless Steel Sheet and Strip/Korea	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
			Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C–580–837	701–TA–391 ...	Cut-to-Length Carbon Steel Plate/Korea	United Steelworkers of America. Zanesville Armco Independent Organization. Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel.
C–580–842	701–TA–401 ...	Structural Steel Beams/Korea	United Steelworkers of America. Northwestern Steel and Wire. Nucor. Nucor-Yamato Steel. TXI-Chaparral Steel.
C–580–851	701–TA–431 ...	DRAMs and DRAM Modules/Korea	United Steelworkers of America. Dominion Semiconductor LLC/Micron Technology Inc. Infineon Technologies Richmond LP. Micron Technology Inc.
C–583–604	701–TA–268 ...	Top-of-the-Stove Stainless Steel Cooking Ware/Taiwan..	Farberware. Regal Ware. Revere Copper & Brass. WearEver/Proctor Silex.
C–791–806	701–TA–379 ...	Stainless Steel Plate in Coils/South Africa	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
C–791–810	701–TA–407 ...	Hot-Rolled Steel Products/South Africa	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A–331–802	731–TA–1065	Certain Frozen Warmwater Shrimp and Prawns/Ecuador.	
A–351–838	731–TA–1063	Certain Frozen Warmwater Shrimp and Prawns/Brazil.	
A–533–840	731–TA–1066	Certain Frozen Warmwater Shrimp and Prawns/India.	
A–549–822	731–TA–1067	Certain Frozen Warmwater Shrimp and Prawns/Thailand.	
A–552–802	731–TA–1068	Certain Frozen Warmwater Shrimp and Prawns/Vietnam.	
A–570–893	731–TA–1064	Certain Frozen Warmwater Shrimp and Prawns/China.	Petitioners/Supporters for all six cases listed: Abadie, Al J. Abadie, Anthony. Abner, Charles. Abraham, Steven. Abshire, Gabriel J. Ackerman, Dale J. Acosta, Darryl L. Acosta, Jerry J Sr. Acosta, Leonard C. Acosta, Wilson Pula Sr. Adam, Denise T. Adam, Michael A.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Adam, Richard B Jr.
			Adam, Sherry P.
			Adam, William E.
			Adam, Alcide J Jr.
			Adams, Dudley.
			Adams, Elizabeth L.
			Adams, Ervin.
			Adams, Ervin.
			Adams, George E.
			Adams, Hursy J.
			Adams, James Arthur.
			Adams, Kelly.
			Adams, Lawrence J Jr.
			Adams, Randy.
			Adams, Ritchie.
			Adams, Steven A.
			Adams, Ted J.
			Adams, Tim.
			Adams, Whitney P Jr.
			Agoff, Ralph J.
			Aguilar, Rikardo.
			Aguillard, Roddy G.
			Alario, Don Ray.
			Alario, Nat.
			Alario, Pete J.
			Alario, Timmy.
			Albert, Craig J.
			Albert, Junior J.
			Alexander, Everett O.
			Alexander, Robert F Jr.
			Alexie, Benny J.
			Alexie, Corkey A.
			Alexie, Dolphy.
			Alexie, Felix Jr.
			Alexie, Gwendolyn.
			Alexie, John J.
			Alexie, John V.
			Alexie, Larry J Sr.
			Alexie, Larry Jr.
			Alexie, Vincent L Jr.
			Alexis, Barry S.
			Alexis, Craig W.
			Alexis, Micheal.
			Alexis, Monique.
			Alfonso, Anthony E Jr.
			Alfonso, Jesse.
			Alfonso, Nicholas.
			Alfonso, Paul Anthony.
			Alfonso, Randy.
			Alfonso, Terry S Jr.
			Alfonso, Vernon Jr.
			Alfonso, Yvette.
			Alimia, Angelo A Jr.
			Allemand, Dean J.
			Allen, Annie.
			Allen, Carolyn Sue.
			Allen, Jackie.
			Allen, Robin.
			Allen, Wayne.
			Allen, Wilbur L.
			Allen, Willie J III.
			Allen, Willie Sr.
			Alphonso, John.
			Ancalade, Leo J.
			Ancar, Claudene.
			Ancar, Jerry T.
			Ancar, Joe C.
			Ancar, Merlin Sr.
			Ancar, William Sr.
			Ancelet, Gerald Ray.
			Anderson, Andrew David.
			Anderson, Ernest W.
			Anderson, Jerry.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Anderson, John.
			Anderson, Lynwood.
			Anderson, Melinda Rene.
			Anderson, Michael Brian.
			Anderson, Ronald L Sr.
			Anderson, Ronald Louis Jr.
			Andonie, Miguel.
			Andrews, Anthony R.
			Andry, Janice M.
			Andry, Rondey S.
			Angelle, Louis.
			Anglada, Eugene Sr.
			Ansardi, Lester.
			Anselmi, Darren.
			Aparicio, Alfred.
			Aparicio, David.
			Aparicio, Ernest.
			Arabie, Georgia P.
			Arabie, Joseph.
			Arcement, Craig J.
			Arcement, Lester C.
			Arcemont, Donald Sr.
			Arceneaux, Matthew J.
			Arceneaux, Michael K.
			Areas, Christopher J.
			Armbruster, John III.
			Armbruster, Paula D.
			Armstrong, Jude Jr.
			Arnesen, George.
			Arnold, Lonnie L Jr.
			Arnona, Joseph T.
			Arnondin, Robert.
			Arthur, Brenda J.
			Assavedo, Floyd.
			Atwood, Gregory Kenneth.
			Au, Chow D.
			Au, Robert.
			Aucoin, Dewey F.
			Aucoin, Earl.
			Aucoin, Laine A.
			Aucoin, Perry J.
			Austin, Dennis.
			Austin, Dennis J.
			Authement, Brice.
			Authement, Craig L.
			Authement, Dion J.
			Authement, Gordon.
			Authement, Lance M.
			Authement, Larry.
			Authement, Larry Sr.
			Authement, Roger J.
			Authement, Sterling P.
			Autin, Bobby.
			Autin, Bruce J.
			Autin, Kenneth D.
			Autin, Marvin J.
			Autin, Paul F Jr.
			Autin, Roy.
			Avenel, Albert J Jr.
			Ba Wells, Tran Thi.
			Babb, Conny.
			Babin, Brad.
			Babin, Joey L.
			Babin, Klint.
			Babin, Molly.
			Babin, Norman J.
			Babineaux, Kirby.
			Babineaux, Vicki.
			Bach, Ke Van.
			Bach, Reo Long.
			Backman, Benny.
			Badeaux, Todd.
			Baham, Dewayne.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Bailey, Albert.
			Bailey, Antoine III.
			Bailey, David B Sr.
			Bailey, Don.
			Baker, Clarence.
			Baker, Donald Earl.
			Baker, James.
			Baker, Kenneth.
			Baker, Ronald J.
			Balderas, Antonio.
			Baldwin, Richard Prentiss.
			Ballard, Albert.
			Ballas, Barbara A.
			Ballas, Charles J.
			Baltz, John F.
			Ban, John.
			Bang, Bruce K.
			Barbaree, Joe W.
			Barbe, Mark A and Cindy.
			Barber, Louie W Jr.
			Barber, Louie W Sr.
			Barbier, Percy T.
			Barbour, Raymond A.
			Bargainear, James E.
			Barisich, George A.
			Barisich, Joseph J.
			Barnette, Earl.
			Barnhill, Nathan.
			Barrios, Clarence.
			Barrios, Corbert J.
			Barrios, Corbert M.
			Barrios, David.
			Barrios, John.
			Barrios, Shane James.
			Barrois, Angela Gail.
			Barrois, Dana A.
			Barrois, Tracy James.
			Barrois, Wendell Jude Jr.
			Barthe, Keith Sr.
			Barthelemy, Allen M.
			Barthelemy, John A.
			Barthelemy, Rene T Sr.
			Barthelemy, Walter A Jr.
			Bartholomew, Mitchell.
			Bartholomew, Neil W.
			Bartholomew, Thomas E.
			Bartholomew, Wanda C.
			Basse, Donald J Sr.
			Bates, Mark.
			Bates, Ted Jr.
			Bates, Vernon Jr.
			Battle, Louis.
			Baudoin, Drake J.
			Baudoin, Murphy A.
			Baudouin, Stephen.
			Bauer, Gary.
			Baye, Glen P.
			Bean, Charles A.
			Beazley, William E.
			Becnel, Glenn J.
			Becnel, Kent.
			Beecher, Carold F.
			Beechler, Ronald.
			Bell, James E.
			Bell, Ronald A.
			Bellanger, Arnold.
			Bellanger, Clifton.
			Bellanger, Scott J.
			Belsome, Derrell M.
			Belsome, Karl M.
			Bennett, Cecil A Jr.
			Bennett, Gary Lynn.
			Bennett, Irin Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Bennett, James W Jr.
			Bennett, Louis.
			Benoit, Francis J.
			Benoit, Nicholas L.
			Benoit, Paula T.
			Benoit, Tenna J Jr.
			Benton, Walter T.
			Berger, Ray W.
			Bergeron, Alfred Scott.
			Bergeron, Jeff.
			Bergeron, Nolan A.
			Bergeron, Ulysses J.
			Bernard, Lamont L.
			Berner, Mark J.
			Berthelot, Gerard J Sr.
			Berthelot, James A.
			Berthelot, Myron J.
			Bertrand, Jerl C.
			Beverung, Keith J.
			Bianchini, Raymond W.
			Bickham, Leo E.
			Bienvenu, Charles.
			Biggs, Jerry W Sr.
			Bigler, Delbert.
			Billington, Richard.
			Billiot, Alfredia.
			Billiot, Arthur.
			Billiot, Aubrey.
			Billiot, Barell J.
			Billiot, Betty.
			Billiot, Bobby J.
			Billiot, Brian K.
			Billiot, Cassidy.
			Billiot, Charles Sr.
			Billiot, Chris J Sr.
			Billiot, E J E.
			Billiot, Earl W Sr.
			Billiot, Ecton L.
			Billiot, Emary.
			Billiot, Forest Jr.
			Billiot, Gerald.
			Billiot, Harold J.
			Billiot, Jacco A.
			Billiot, Jake A.
			Billiot, James Jr.
			Billiot, Joseph S Jr.
			Billiot, Laurence V.
			Billiot, Leonard F Jr.
			Billiot, Lisa.
			Billiot, Mary L.
			Billiot, Paul J Sr.
			Billiot, Shirley L.
			Billiot, Steve M.
			Billiot, Thomas Adam.
			Billiot, Thomas Sr.
			Billiot, Wenceslaus Jr.
			Billiott, Alexander J.
			Biron, Yale.
			Black, William C.
			Blackston, Larry E.
			Blackwell, Wade H III.
			Blackwell, Wade H Jr.
			Blanchard, Albert.
			Blanchard, Andrew J.
			Blanchard, Billy J.
			Blanchard, Cyrus.
			Blanchard, Daniel A.
			Blanchard, Dean.
			Blanchard, Douglas Jr.
			Blanchard, Dwayne.
			Blanchard, Elgin.
			Blanchard, Gilbert.
			Blanchard, Jade.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Blanchard, James.
			Blanchard, John F Jr.
			Blanchard, Katie.
			Blanchard, Kelly.
			Blanchard, Matt Joseph.
			Blanchard, Michael.
			Blanchard, Quentin Timothy.
			Blanchard, Roger Sr.
			Blanchard, Walton H Jr.
			Bland, Quyen T.
			Blouin, Roy A.
			Blume, Jack Jr.
			Bodden, Arturo.
			Bodden, Jasper.
			Bollinger, Donald E.
			Bolotte, Darren W.
			Bolton, Larry F.
			Bondi, Paul J.
			Bonvillain, Jimmy J.
			Bonvillian, Donna M.
			Boone, Clifton Felix.
			Boone, Donald F II.
			Boone, Donald F III (Ricky).
			Boone, Gregory T.
			Boquet, Noriss P Jr.
			Boquet, Wilfred Jr.
			Bordelon, Glenn Sr.
			Bordelon, James P.
			Bordelon, Shelby P.
			Borden, Benny.
			Borne, Crystal.
			Borne, Dina L.
			Borne, Edward Joseph Jr.
			Borne, Edward Sr.
			Bosarge, Hubert Lawrence.
			Bosarge, Robert.
			Bosarge, Sandra.
			Bosarge, Steve.
			Boudlauch, Durel A Jr.
			Boudoin, Larry Terrell.
			Boudoin, Nathan.
			Boudreaux, Brent J.
			Boudreaux, Elvin J III.
			Boudreaux, James C Jr.
			Boudreaux, James N.
			Boudreaux, Jessie.
			Boudreaux, Leroy A.
			Boudreaux, Mark.
			Boudreaux, Paul Sr.
			Boudreaux, Richard D.
			Boudreaux, Ronald Sr.
			Boudreaux, Sally.
			Boudreaux, Veronica.
			Boudwin, Dwayne.
			Boudwin, Jewel James Sr.
			Boudwin, Wayne.
			Bouise, Norman.
			Boulet, Irwin J Jr.
			Boullion, Debra.
			Bourg, Allen T.
			Bourg, Benny.
			Bourg, Chad J.
			Bourg, Channon.
			Bourg, Chris.
			Bourg, Douglas.
			Bourg, Glenn A.
			Bourg, Jearmie Sr.
			Bourg, Kent A.
			Bourg, Mark.
			Bourg, Nolan P.
			Bourg, Ricky J.
			Bourgeois, Albert P.
			Bourgeois, Brian J Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Bourgeois, Daniel.
			Bourgeois, Dwayne.
			Bourgeois, Jake.
			Bourgeois, Johnny M.
			Bourgeois, Johnny M Jr.
			Bourgeois, Leon A.
			Bourgeois, Louis A.
			Bourgeois, Merrie E.
			Bourgeois, Randy P.
			Bourgeois, Reed.
			Bourgeois, Webley.
			Bourn, Chris.
			Bourque, Murphy Paul.
			Bourque, Ray.
			Bousegard, Duvic Jr.
			Boutte, Manuel J Jr.
			Bouvier, Colbert A II.
			Bouzigard, Dale J.
			Bouzigard, Edgar J III.
			Bouzigard, Eeris.
			Bowers, Harold.
			Bowers, Tommy.
			Boyd, David E Sr.
			Boyd, Elbert.
			Boykin, Darren L.
			Boykin, Thomas Carol.
			Bradley, James.
			Brady, Brian.
			Brandhurst, Kay.
			Brandhurst, Ray E Sr.
			Brandhurst, Raymond J.
			Braneff, David G.
			Brannan, William P.
			Branom, Donald James Jr.
			Braud, James M.
			Brazan, Frank J.
			Breaud, Irvin F Jr.
			Breaux, Barbara.
			Breaux, Brian J.
			Breaux, Charlie M.
			Breaux, Clifford.
			Breaux, Colin E.
			Breaux, Daniel Jr.
			Breaux, Larry J.
			Breaux, Robert J Jr.
			Breaux, Shelby.
			Briscoe, Robert F Jr.
			Britsch, L D Jr.
			Broussard, Dwayne E.
			Broussard, Eric.
			Broussard, Keith.
			Broussard, Larry.
			Broussard, Mark A.
			Broussard, Roger David.
			Broussard, Roger R.
			Broussard, Steve P.
			Brown, Cindy B.
			Brown, Colleen.
			Brown, Donald G.
			Brown, John W.
			Brown, Paul R.
			Brown, Ricky.
			Brown, Toby H.
			Bruce, Adam J.
			Bruce, Adam J Jr.
			Bruce, Bob R.
			Bruce, Daniel M Sr.
			Bruce, Eli T Sr.
			Bruce, Emelda L.
			Bruce, Gary J Sr.
			Bruce, James P.
			Bruce, Lester J Jr.
			Bruce, Margie L.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Bruce, Mary P.
			Bruce, Nathan.
			Bruce, Robert.
			Bruce, Russell.
			Brudnock, Peter Sr.
			Brunet, Elton J.
			Brunet, Joseph A.
			Brunet, Joseph A.
			Brunet, Levy J Jr.
			Brunet, Raymond Sr.
			Bryan, David N.
			Bryant, Ina Fay V.
			Bryant, Jack D Sr.
			Bryant, James Larry.
			Buford, Ernest.
			Bui, Ben.
			Bui, Dich.
			Bui, Dung Thi.
			Bui, Huong T.
			Bui, Ngan.
			Bui, Nhuan.
			Bui, Nuoi Van.
			Bui, Tai.
			Bui, Tieu.
			Bui, Tommy.
			Bui, Xuan and De Nguyen.
			Bui, Xuanmai.
			Bull, Delbert E.
			Bundy, Belvina (Kenneth).
			Bundy, Kenneth Sr.
			Bundy, Nicky.
			Bundy, Ronald J.
			Bundy, Ronnie J.
			Buquet, John Jr.
			Buras, Clayton M.
			Buras, Leander.
			Buras, Robert M Jr.
			Buras, Waylon J.
			Burlett, Elliott C.
			Burlett, John C Jr.
			Burnell, Charles B.
			Burnell, Charles R.
			Burnham, Deanna Lea.
			Burns, Stuart E.
			Burroughs, Lindsey Hilton Jr.
			Burton, Ronnie.
			Busby, Hardy E.
			Busby, Tex H.
			Busch, RC.
			Bush, Robert A.
			Bussey, Tyler.
			Butcher, Dorothy.
			Butcher, Rocky J.
			Butler, Albert A.
			Butler, Aline M.
			Bychurch, Johnny.
			Bychurch, Johnny Jr.
			Cabanilla, Alex.
			Caboz, Jose Santos.
			Cacioppo, Anthony Jr.
			Caddell, David.
			Cadiere, Mae Quick.
			Cadiere, Ronald J.
			Cahill, Jack.
			Caillouet, Stanford Jr.
			Caison, Jerry Lane Jr.
			Calcagno, Stephen Paul Sr.
			Calderone, John S.
			Callahan, Gene P Sr.
			Callahan, Michael J.
			Callahan, Russell.
			Callais, Ann.
			Callais, Franklin D.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Callais, Gary D. Callais, Michael. Callais, Michael. Callais, Sandy. Callais, Terrence. Camardelle, Anna M. Camardelle, Chris J. Camardelle, David. Camardelle, Edward J III. Camardelle, Edward J Jr. Camardelle, Harris A. Camardelle, Knowles. Camardelle, Noel T. Camardelle, Tilman J. Caminita, John A III. Campo, Donald Paul. Campo, Kevin. Campo, Nicholas J. Campo, Roy. Campo, Roy Sr. Camus, Ernest M Jr. Canova, Carl. Cantrelle, Alvin. Cantrelle, Eugene J. Cantrelle, Otis A Sr. Cantrelle, Otis Jr (Buddy). Cantrelle, Philip A. Cantrelle, Tate Joseph. Canty, Robert Jamies. Cao, Anna. Cao, Billy. Cao, Billy Viet. Cao, Binh Quang. Cao, Chau. Cao, Dan Dien. Cao, Dung Van. Cao, Gio Van. Cao, Heip A. Cao, Linh Huyen. Cao, Nghia Thi. Cao, Nhieu V. Cao, Si-Van. Cao, Thanh Kim. Cao, Tuong Van. Carinhas, Jack G Jr. Carl, Joseph Allen. Carlos, Gregory. Carlos, Irvin. Carmadelle, David J. Carmadelle, Larry G. Carmadelle, Rudy J. Carrere, Anthony T Jr. Carrier, Larry J. Caruso, Michael. Casanova, David W Sr. Cassagne, Alphonse G III. Cassagne, Alphonse G IV. Cassidy, Mark. Casso, Joseph. Castelin, Gilbert. Castelin, Sharon. Castellanos, Raul L. Castelluccio, John A Jr. Castille, Joshua. Caulfield, Adolph Jr. Caulfield, Hope. Caulfield, James M Jr. Caulfield, Jean. Cepriano, Salvador. Cerdes, Julius W Jr. Cerise, Marla. Chabert, John. Chaisson, Dean J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Chaisson, Henry.
			Chaisson, Vincent A.
			Chaix, Thomas B III.
			Champagne, Brian.
			Champagne, Harold P.
			Champagne, Kenton.
			Champagne, Leon J.
			Champagne, Leroy A.
			Champagne, Lori.
			Champagne, Timmy D.
			Champagne, Willard.
			Champlin, Kim J.
			Chance, Jason R.
			Chancey, Jeff.
			Chapa, Arturo.
			Chaplin Robert G Sr.
			Chaplin, Saxby Stowe.
			Charles, Christopher.
			Charpentier, Allen J.
			Charpentier, Alvin J.
			Charpentier, Daniel J.
			Charpentier, Lawrence.
			Charpentier, Linton.
			Charpentier, Melanie.
			Charpentier, Murphy Jr.
			Charpentier, Robert J.
			Chartier, Michelle.
			Chau, Minh Huu.
			Chauvin, Anthony.
			Chauvin, Anthony P Jr.
			Chauvin, Carey M.
			Chauvin, David James.
			Chauvin, James E.
			Chauvin, Kimberly Kay.
			Cheeks, Alton Bruce.
			Cheers, Elwood.
			Chenier, Ricky.
			Cheramie, Alan.
			Cheramie, Alan J Jr.
			Cheramie, Alton J.
			Cheramie, Berwick Jr.
			Cheramie, Berwick Sr.
			Cheramie, Daniel James Sr.
			Cheramie, Danny.
			Cheramie, David J.
			Cheramie, David P.
			Cheramie, Dickey J.
			Cheramie, Donald.
			Cheramie, Enola.
			Cheramie, Flint.
			Cheramie, Harold L.
			Cheramie, Harry J Sr.
			Cheramie, Harry Jr.
			Cheramie, Harvey Jr.
			Cheramie, Harvey Sr.
			Cheramie, Henry J Sr.
			Cheramie, James A.
			Cheramie, James P.
			Cheramie, Jody P.
			Cheramie, Joey J.
			Cheramie, Johnny.
			Cheramie, Joseph A.
			Cheramie, Lee Allen.
			Cheramie, Linton J.
			Cheramie, Mark A.
			Cheramie, Murphy J.
			Cheramie, Nathan A Sr.
			Cheramie, Neddy P.
			Cheramie, Nicky J.
			Cheramie, Ojess M.
			Cheramie, Paris P.
			Cheramie, Robbie.
			Cheramie, Rodney E Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Cheramie, Ronald.
			Cheramie, Roy.
			Cheramie, Roy A.
			Cheramie, Sally K.
			Cheramie, Terry J.
			Cheramie, Terry Jr.
			Cheramie, Timmy.
			Cheramie, Tina.
			Cheramie, Todd M.
			Cheramie, Tommy.
			Cheramie, Wayne A.
			Cheramie, Wayne A Jr.
			Cheramie, Wayne F Sr.
			Cheramie, Wayne J.
			Cheramie, Webb Jr.
			Chevalier, Mitch.
			Chew, Thomas J.
			Chhun, Samantha.
			Chiasson, Jody J.
			Chiasson, Manton P Jr.
			Chiasson, Michael P.
			Childress, Gordon.
			Chisholm, Arthur.
			Chisholm, Henry Jr.
			Christen, David Jr.
			Christen, Vernon.
			Christmas, John T Jr.
			Chung, Long V.
			Ciaccio, Vance.
			Cibilic, Bozidar.
			Cieutat, John.
			Cisneros, Albino.
			Ciuffi, Michael L.
			Clark, James M.
			Clark, Jennings.
			Clark, Mark A.
			Clark, Ricky L.
			Cobb, Michael A.
			Cochran, Jimmy.
			Coleman, Ernest.
			Coleman, Freddie Jr.
			Colletti, Rodney A.
			Collier, Ervin J.
			Collier, Wade.
			Collins, Bernard J.
			Collins, Bruce J Jr.
			Collins, Donald.
			Collins, Earline.
			Collins, Eddie F Jr.
			Collins, Jack.
			Collins, Jack.
			Collins, Julius.
			Collins, Lawson Bruce Sr.
			Collins, Lindy S Jr.
			Collins, Logan A Jr.
			Collins, Robert.
			Collins, Timmy P.
			Collins, Vendon Jr.
			Collins, Wilbert Jr.
			Collins, Woodrow.
			Colson, Chris and Michelle.
			Comardelle, Michael J.
			Comeaux, Allen J.
			Compeaux, Curtis J.
			Compeaux, Gary P.
			Compeaux, Harris.
			Cone, Jody.
			Contreras, Mario.
			Cook, Edwin A Jr.
			Cook, Edwin A Sr.
			Cook, Joshua.
			Cook, Larry R Sr.
			Cook, Scott.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Cook, Theodore D.
			Cooksey, Ernest Neal.
			Cooper, Acy J III.
			Cooper, Acy J Jr.
			Cooper, Acy Sr.
			Cooper, Christopher W.
			Cooper, Jon C.
			Cooper, Marla F.
			Cooper, Vincent J.
			Copeman, John R.
			Corley, Ronald E.
			Cornett, Eddie.
			Cornwall, Roger.
			Cortez, Brenda M.
			Cortez, Cathy.
			Cortez, Curtis.
			Cortez, Daniel P.
			Cortez, Edgar.
			Cortez, Keith J.
			Cortez, Leslie J.
			Cosse, Robert K.
			Coston, Clayton.
			Cotsovolos, John Gordon.
			Coulon, Allen J Jr.
			Coulon, Allen J Sr.
			Coulon, Amy M.
			Coulon, Cleveland F.
			Coulon, Darrin M.
			Coulon, Don.
			Coulon, Earline N.
			Coulon, Ellis Jr.
			Coursey, John W.
			Courville, Ronnie P.
			Cover, Darryl L.
			Cowdrey, Michael Dudley.
			Cowdrey, Michael Nelson.
			Crain, Michael T.
			Crawford, Bryan D.
			Crawford, Steven J.
			Creamer, Quention.
			Credeur, Todd A Sr.
			Credeur, Tony J.
			Creppel, Carlton.
			Creppel, Catherine.
			Creppel, Craig Anthony.
			Creppel, Freddy.
			Creppel, Isadore Jr.
			Creppel, Julinne G III.
			Creppel, Kenneth.
			Creppel, Kenneth.
			Creppel, Nathan J Jr.
			Creppell, Michel P.
			Cristina, Charles J.
			Crochet, Sterling James.
			Crochet, Tony J.
			Crosby, Benjy J.
			Crosby, Darlene.
			Crosby, Leonard W Jr.
			Crosby, Ted J.
			Crosby, Thomas.
			Crum, Lonnie.
			Crum, Tommy Lloyd.
			Cruz, Jesus.
			Cubbage, Melinda T.
			Cuccia, Anthony J.
			Cuccia, Anthony J Jr.
			Cuccia, Kevin.
			Cumbie, Bryan E.
			Cure, Mike.
			Curole, Keith J.
			Curole, Kevin P.
			Curole, Margaret B.
			Curole, Willie P Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Cutrer, Jason C.
			Cvitanovich, T.
			Daigle, Alfred.
			Daigle, Cleve and Nona.
			Daigle, David John.
			Daigle, EJ.
			Daigle, Glenn.
			Daigle, Jamie J.
			Daigle, Jason.
			Daigle, Kirk.
			Daigle, Leonard P.
			Daigle, Lloyd.
			Daigle, Louis J.
			Daigle, Melanie.
			Daigle, Michael J.
			Daigle, Michael Wayne and JoAnn.
			Daisy, Jeff.
			Dale, Cleveland L.
			Dang, Ba.
			Dang, Dap.
			Dang, David.
			Dang, Duong.
			Dang, Khang.
			Dang, Khang and Tam Phan.
			Dang, Loan Thi.
			Dang, Minh.
			Dang, Minh Van.
			Dang, Son.
			Dang, Tao Kevin.
			Dang, Thang Duc.
			Dang, Thien Van.
			Dang, Thuong.
			Dang, Thuy.
			Dang, Van D.
			Daniels, David.
			Daniels, Henry.
			Daniels, Leslie.
			Danos, Albert Sr.
			Danos, James A.
			Danos, Jared.
			Danos, Oliver J.
			Danos, Ricky P.
			Danos, Rodney.
			Danos, Timothy A.
			d'Antignac, Debi.
			d'Antignac, Jack.
			Dantin, Archie A.
			Dantin, Mark S Sr.
			Dantin, Stephen Jr.
			Dao, Paul.
			Dao, Vang.
			Dao-Nguyen, Chrysti.
			Darda, Albert L Jr.
			Darda, Gertrude.
			Darda, Herbert.
			Darda, J C.
			Darda, Jeremy.
			Darda, Tammy.
			Darda, Trudy.
			Dardar, Alvin.
			Dardar, Basile J.
			Dardar, Basile Sr.
			Dardar, Cindy.
			Dardar, David.
			Dardar, Donald S.
			Dardar, Edison J Sr.
			Dardar, Gayle Picou.
			Dardar, Gilbert B.
			Dardar, Gilbert Sr.
			Dardar, Isadore J Jr.
			Dardar, Jacqueline.
			Dardar, Jonathan M.
			Dardar, Lanny.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Dardar, Larry J. Dardar, Many. Dardar, Neal A. Dardar, Norbert. Dardar, Patti V. Dardar, Percy B Sr. Dardar, Rose. Dardar, Rusty J. Dardar, Samuel. Dardar, Summersgill. Dardar, Terry P. Dardar, Toney M Jr. Dardar, Toney Sr. Dargis, Stephen M. Dassau, Louis. David, Philip J Jr. Davis, Cliff. Davis, Daniel A. Davis, Danny A. Davis, James. Davis, John W. Davis, Joseph D. Davis, Michael Steven. Davis, Ronald B. Davis, William T Jr. Davis, William Theron. Dawson, JT. de la Cruz, Avery T. Dean, Ilene L. Dean, John N. Dean, Stephen. DeBarge, Brian K. DeBarge, Sherry. DeBarge, Thomas W. Decoursey, John. Dedon, Walter. Deere, Daryl. Deere, David E. Deere, Dennis H. Defelice, Robin. Defelice, Tracie L. DeHart, Ashton J Sr. Dehart, Bernard J. Dehart, Blair. Dehart, Clevis. Dehart, Clevis Jr. DeHart, Curtis P Sr. Dehart, Eura Sr. Dehart, Ferrell John. Dehart, Leonard M. DeHart, Troy. DeJean, Chris N Jr. DeJean, Chris N Sr. Dekemel, Bonnie D. Dekemel, Wm J Jr. Delande, Paul. Delande, Ten Chie. Delatte, Michael J Sr. Delaune, Kip M. Delaune, Thomas J. Delaune, Todd J. Delcambre, Carroll A. Delgado, Jesse. Delino, Carlton. Delino, Lorene. Deloach, Stephen W Jr. DeMoll, Herman J Jr. DeMoll, Herman J Sr. DeMoll, James C Jr. DeMoll, Ralph. DeMoll, Robert C. DeMoll, Terry R. DeMolle, Freddy.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			DeMolle, Otis.
			Dennis, Fred.
			Denty, Steve.
			Deroche, Barbara H.
			Derouen, Caghe.
			Deshotel, Rodney.
			DeSilvey, David.
			Despaux, Byron J.
			Despaux, Byron J Jr.
			Despaux, Glen A.
			Despaux, Ken.
			Despaux, Kerry.
			Despaux, Suzanna.
			Detillier, David E.
			DeVaney, Bobby C Jr.
			Dickey, Wesley Frank.
			Diep, Vu.
			Dinger, Anita.
			Dinger, Corbert Sr.
			Dinger, Eric.
			Dingler, Mark H.
			Dinh, Chau Thanh.
			Dinh, Khai Duc.
			Dinh, Lien.
			Dinh, Toan.
			Dinh, Vincent.
			Dion, Ernest.
			Dion, Paul A.
			Dion, Thomas Autry.
			Disalvo, Paul A.
			Dismuke, Robert E Sr.
			Ditcharo, Dominick III.
			Dixon, David.
			Do, Cuong V.
			Do, Dan C.
			Do, Dung V.
			Do, Hai Van.
			Do, Hieu.
			Do, Hung V.
			Do, Hung V.
			Do, Johnny.
			Do, Kiet Van.
			Do, Ky Hong.
			Do, Ky Quoc.
			Do, Lam.
			Do, Liet Van.
			Do, Luong Van.
			Do, Minh Van.
			Do, Nghiep Van.
			Do, Ta.
			Do, Ta Phon.
			Do, Than Viet.
			Do, Thanh V.
			Do, Theo Van.
			Do, Thien Van.
			Do, Tinh A.
			Do, Tri.
			Do, Vi V.
			Doan, Anh Thi.
			Doan, Joseph.
			Doan, Mai.
			Doan, Minh.
			Doan, Ngoc.
			Doan, Tran Van.
			Domangue, Darryl.
			Domangue, Emile.
			Domangue, Mary.
			Domangue, Michael.
			Domangue, Paul.
			Domangue, Ranzell Sr.
			Domangue, Stephen.
			Domangue, Westley.
			Domingo, Carolyn.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Dominique, Amy R.
			Dominque, Gerald R.
			Donini, Ernest N.
			Donnelly, David C.
			Donohue, Holly M.
			Dooley, Denise F.
			Dopson, Craig B.
			Dore, Presley J.
			Dore, Preston J Jr.
			Dorr, Janthan C Jr.
			Doucet, Paul J Sr.
			Downey, Colleen.
			Doxey, Robert Lee Sr.
			Doxey, Ruben A.
			Doxey, William L.
			Doyle, John T.
			Drawdy, John Joseph.
			Drury, Bruce W Jr.
			Drury, Bruce W Sr.
			Drury, Bryant J.
			Drury, Eric S.
			Drury, Helen M.
			Drury, Jeff III.
			Drury, Kevin.
			Drury, Kevin S Sr.
			Drury, Steve R.
			Drury, Steven J.
			Dubberly, James F.
			Dubberly, James Michael.
			Dubberly, James Michael Jr.
			Dubberly, John J.
			Dubois, Euris A.
			Dubois, John D Jr.
			Dubois, Lonnie J.
			Duck, Kermit Paul.
			Dudenhefer, Anthony.
			Dudenhefer, Connie S.
			Dudenhefer, Eugene A.
			Dudenhefer, Milton J Jr.
			Duet, Brad J.
			Duet, Darrel A.
			Duet, Guy J.
			Duet, Jace J.
			Duet, Jay.
			Duet, John P.
			Duet, Larson.
			Duet, Ramie.
			Duet, Raymond J.
			Duet, Tammy B.
			Duet, Tyrone.
			Dufrene, Archie.
			Dufrene, Charles.
			Dufrene, Curt F.
			Dufrene, Elson A.
			Dufrene, Eric F.
			Dufrene, Eric F Jr.
			Dufrene, Eric John.
			Dufrene, Golden J.
			Dufrene, Jeremy M.
			Dufrene, Juliette B.
			Dufrene, Leroy J.
			Dufrene, Milton J.
			Dufrene, Ronald A Jr.
			Dufrene, Ronald A Sr.
			Dufrene, Scottie M.
			Dufrene, Toby.
			Dugar, Edward A II.
			Dugas, Donald John.
			Dugas, Henri J IV.
			Duhe, Greta.
			Duhe, Robert.
			Duhon, Charles.
			Duhon, Douglas P.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Duncan, Faye E.
			Duncan, Gary.
			Duncan, Loyde C.
			Dunn, Bob.
			Duong, Billy.
			Duong, Chamroeun.
			Duong, EM.
			Duong, Ho Tan Phi.
			Duong, Kong.
			Duong, Mau.
			Duplantis, Blair P.
			Duplantis, David.
			Duplantis, Frankie J.
			Duplantis, Maria.
			Duplantis, Teddy W.
			Duplantis, Wedgir J Jr.
			Duplessis, Anthony James Sr.
			Duplessis, Bonnie S.
			Duplessis, Clarence R.
			Dupre, Brandon P.
			Dupre, Cecile.
			Dupre, David A.
			Dupre, Davis J Jr.
			Dupre, Easton J.
			Dupre, Jimmie Sr.
			Dupre, Linward P.
			Dupre, Mary L.
			Dupre, Michael J.
			Dupre, Michael J Jr.
			Dupre, Randall P.
			Dupre, Richard A.
			Dupre, Rudy P.
			Dupre, Ryan A.
			Dupre, Tony J.
			Dupre, Troy A.
			Dupree, Bryan.
			Dupree, Derrick.
			Dupree, Malcolm J Sr.
			Dupuis, Clayton J.
			Durand, Walter Y.
			Dusang, Melvin A.
			Duval, Denval H Sr.
			Duval, Wayne.
			Dyer, Nadine D.
			Dyer, Tony.
			Dykes, Bert L.
			Dyson, Adley L Jr.
			Dyson, Adley L Sr.
			Dyson, Amy.
			Dyson, Casandra.
			Dyson, Clarence III.
			Dyson, Jimmy Jr.
			Dyson, Jimmy L Sr.
			Dyson, Kathleen.
			Dyson, Maricela.
			Dyson, Phillip II.
			Dyson, Phillip Sr.
			Dyson, William.
			Eckerd, Bill.
			Edens, Angela Blake.
			Edens, Donnie.
			Edens, Jeremy Donald.
			Edens, Nancy M.
			Edens, Steven L.
			Edens, Timothy Dale.
			Edgar, Daniel.
			Edgar, Joey.
			Edgerson, Roosevelt.
			Edwards,Tommy W III.
			Ellerbee, Jody Duane.
			Ellison, David Jr.
			Encalade, Alfred Jr.
			Encalade, Anthony T.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Encalade, Cary.
			Encalade, Joshua C.
			Encalade, Stanley A.
			Enclade, Joseph L.
			Enclade, Michael Sr and Jeannie Pitre.
			Enclade, Rodney J.
			Englade, Alfred.
			Ennis, A L Jr.
			Erickson, Grant G.
			Erlinger, Carroll.
			Erlinger, Gary R.
			Eschete, Keith A.
			Esfeller, Benny A.
			Eskine, Kenneth.
			Esponge, Ernest J.
			Estaves, David Sr.
			Estaves, Ricky Joseph.
			Estay, Allen J.
			Estay, Wayne.
			Esteves, Anthony E Jr.
			Estrada, Orestes.
			Evans, Emile J Jr.
			Evans, Kevin J.
			Evans, Lester.
			Evans, Lester J Jr.
			Evans, Tracey J Sr.
			Everson, George C.
			Eymard, Brian P Sr.
			Eymard, Jervis J and Carolyn B.
			Fabiano, Morris C.
			Fabra, Mark.
			Fabre, Alton Jr.
			Fabre, Ernest J.
			Fabre, Kelly V.
			Fabre, Peggy B.
			Fabre, Sheron.
			Fabre, Terry A.
			Fabre, Wayne M.
			Falcon, Mitchell J.
			Falgout, Barney.
			Falgout, Jerry P.
			Falgout, Leroy J.
			Falgout, Timothy J.
			Fanguy, Barry G.
			Fanning, Paul Jr.
			Farris, Thomas J.
			Fasone, Christopher J.
			Fasone, William J.
			Faulk, Lester J.
			Favaloro, Thomas J.
			Favre, Michael Jr.
			Fazende, Jeffery.
			Fazende, Thomas.
			Fazende, Thomas G.
			Fazzio, Anthony.
			Fazzio, Douglas P.
			Fazzio, Maxine J.
			Fazzio, Steve.
			Felarise, EJ.
			Felarise, Wayne A Sr.
			Fernandez, John.
			Fernandez, Laudelino.
			Ferrara, Audrey B.
			Ficarino, Dominick Jr.
			Fields, Bryan.
			Fillinich, Anthony.
			Fillinich, Anthony Sr.
			Fillinich, Jack.
			Fincher, Penny.
			Fincher, William.
			Fisch, Burton E.
			Fisher, Kelly.
			Fisher, Kirk.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Fisher, Kirk A.
			Fitch, Adam.
			Fitch, Clarence J Jr.
			Fitch, Hanson.
			Fitzgerald, Burnell.
			Fitzgerald, Kirk.
			Fitzgerald, Kirk D.
			Fitzgerald, Ricky J Jr.
			Fleming, John M.
			Fleming, Meigs F.
			Fleming, Mike.
			Flick, Dana.
			Flores, Helena D.
			Flores, Thomas.
			Flowers, Steve W.
			Flowers, Vincent F.
			Folse, David M.
			Folse, Heath.
			Folse, Mary L.
			Folse, Ronald B.
			Fonseca, Francis Sr.
			Fontaine, William S.
			Fontenot, Peggy D.
			Ford, Judy.
			Ford, Warren Wayne.
			Foreman, Ralph Jr.
			Foret, Alva J.
			Foret, Billy J.
			Foret, Brent J.
			Foret, Glenn.
			Foret, Houston.
			Foret, Jackie P.
			Foret, Kurt J Sr.
			Foret, Lovelace A Sr.
			Foret, Loveless A Jr.
			Foret, Mark M.
			Foret, Patricia C.
			Forrest, David P.
			Forsyth, Hunter.
			Forsythe, John.
			Fortune, Michael A.
			France, George J.
			Francis, Albert.
			Franklin, James K.
			Frankovich, Anthony.
			Franks, Michael.
			Frauenberger, Richard Wayne.
			Frazier, David J.
			Frazier, David M.
			Frazier, James.
			Frazier, Michael.
			Frederick, Davis.
			Frederick, Johnnie and Jeannie.
			Fredrick, Michael.
			Freeman, Arthur D.
			Freeman, Darrel P Sr.
			Freeman, Kenneth F.
			Freeman, Larry Scott.
			Frelich, Charles P.
			Frelich, Floyd J.
			Frelich, Kent.
			Frerics, Doug.
			Frerks, Albert R Jr.
			Frickey, Darell.
			Frickey, Darren.
			Frickey, Dirk I.
			Frickey, Eric J.
			Frickey, Harry J Jr.
			Frickey, Jimmy.
			Frickey, Rickey J.
			Frickey, Westley J.
			Friloux, Brad.
			Frisella, Jeanette M.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Frisella, Jerome A Jr.
			Frost, Michael R.
			Fruge, Wade P.
			Gadson, James.
			Gaines, Dwayne.
			Gala, Christine.
			Galjour, Jess J.
			Galjour, Reed.
			Gallardo, John W.
			Gallardo, Johnny M.
			Galliano, Anthony.
			Galliano, Horace J.
			Galliano, Joseph Sr.
			Galliano, Logan J.
			Galliano, Lynne L.
			Galliano, Moise Jr.
			Galloway, AT Jr.
			Galloway, Jimmy D.
			Galloway, Judy L.
			Galloway, Mark D.
			Galt, Giles F.
			Gambarella, Luvencie J.
			Ganoi, Kristine.
			Garcia, Ana Maria.
			Garcia, Anthony.
			Garcia, Edward.
			Garcia, Kenneth.
			Garner, Larry S.
			Gary, Dalton J.
			Gary, Ernest J.
			Gary, Leonce Jr.
			Garza, Andrew.
			Garza, Jose H.
			Gaskill, Elbert Clinton and Sandra.
			Gaspar, Timothy.
			Gaspard, Aaron and Hazel C.
			Gaspard, Dudley A Jr.
			Gaspard, Leonard J.
			Gaspard, Michael A.
			Gaspard, Michael Sr.
			Gaspard, Murry.
			Gaspard, Murry A Jr.
			Gaspard, Murry Sr.
			Gaspard, Murvin.
			Gaspard, Ronald Sr.
			Gaspard, Ronald Wayne Jr.
			Gaubert, Elizabeth.
			Gaubert, Gregory M.
			Gaubert, Melvin.
			Gaudet, Allen J IV.
			Gaudet, Ricky Jr.
			Gauthier, Hewitt J Sr.
			Gautreaux, William A.
			Gay, Norman F.
			Gay, Robert G.
			Gazzier, Daryl G.
			Gazzier, Emanuel A.
			Gazzier, Wilfred E.
			Gegenheimer, William F.
			Geiling, James.
			Geisman, Tony.
			Gentry, Robert.
			Gentry, Samuel W Jr.
			George, James J Jr.
			Gerica, Clara.
			Gerica, Peter.
			Giambrone, Corey P.
			Gibson, Eddie E.
			Gibson, Joseph.
			Gibson, Ronald F.
			Gilden, Eddie Jr.
			Gilden, Eddie Sr.
			Gilden, Inez W.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Gilden, Wayne.
			Gillikin, James D.
			Girard, Chad Paul.
			Giroir, Mark S.
			Gisclair, Anthony J.
			Gisclair, Anthony Joseph Sr.
			Gisclair, August.
			Gisclair, Dallas J Sr.
			Gisclair, Doyle A.
			Gisclair, Kip J.
			Gisclair, Ramona D.
			Gisclair, Wade.
			Gisclair, Walter.
			Glover, Charles D.
			Glynn, Larry.
			Goetz, George.
			Goings, Robert Eugene.
			Golden, George T.
			Golden, William L.
			Gollot, Brian.
			Gollot, Edgar R.
			Gonzales, Arnold Jr.
			Gonzales, Mrs Cyril E Jr.
			Gonzales, Rene R.
			Gonzales, Rudolph S Jr.
			Gonzales, Rudolph S Sr.
			Gonzales, Sylvia A.
			Gonzales, Tim J.
			Gonzalez, Jorge Jr.
			Gonzalez, Julio.
			Gordon, Donald E.
			Gordon, Patrick Alvin.
			Gore, Henry H.
			Gore, Isabel.
			Gore, Pam.
			Gore, Thomas L.
			Gore, Timothy Ansel.
			Gottschalk, Gregory.
			Gourgues, Harold C Jr.
			Goutierrez, Tony C.
			Govea, Joaquin.
			Graham, Darrell.
			Graham, Steven H.
			Granger, Albert J Sr.
			Granich, James.
			Granier, Stephen J.
			Grass, Michael.
			Graves, Robert N Sr.
			Gray, Jeannette.
			Gray, Monroe.
			Gray, Shirley E.
			Gray, Wayne A Sr.
			Graybill, Ruston.
			Green, Craig X.
			Green, James W.
			Green, James W Jr.
			Green, Shaun.
			Greenlaw, W C Jr.
			Gregoire, Ernest L.
			Gregoire, Rita M.
			Gregory, Curtis B.
			Gregory, Mercedes E.
			Grice, Raymond L Jr.
			Griffin, Alden J Sr.
			Griffin, Craig.
			Griffin, David D.
			Griffin, Elvis Joseph Jr.
			Griffin, Faye.
			Griffin, Faye Ann.
			Griffin, Jimmie J.
			Griffin, Nolty J.
			Griffin, Rickey.
			Griffin, Sharon.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Griffin, Timothy.
			Griffin, Troy D.
			Groff, Alfred A.
			Groff, John A.
			Groover, Hank.
			Gros, Brent J Sr.
			Gros, Craig J.
			Gros, Danny A.
			Gros, Gary Sr.
			Gros, Junius A Jr.
			Gros, Keven.
			Gros, Michael A.
			Gross, Homer.
			Grossie, Janet M.
			Grossie, Shane A.
			Grossie, Tate.
			Grow, Jimmie C.
			Guenther, John J.
			Guenther, Raphael.
			Guerra, Bruce.
			Guerra, Chad L.
			Guerra, Fabian C.
			Guerra, Guy A.
			Guerra, Jerry V Sr.
			Guerra, Kurt P Sr.
			Guerra, Ricky J Sr.
			Guerra, Robert.
			Guerra, Ryan.
			Guerra, Troy A.
			Guerra, William Jr.
			Guidroz, Warren J.
			Guidry, Alvin A.
			Guidry, Andy J.
			Guidry, Arthur.
			Guidry, Bud.
			Guidry, Calvin P.
			Guidry, Carl J.
			Guidry, Charles J.
			Guidry, Chris J.
			Guidry, Clarence P.
			Guidry, Clark.
			Guidry, Clint.
			Guidry, Clinton P Jr.
			Guidry, Clyde A.
			Guidry, David.
			Guidry, Dobie.
			Guidry, Douglas J Sr.
			Guidry, Elgy III.
			Guidry, Elgy Jr.
			Guidry, Elwin A Jr.
			Guidry, Gerald A.
			Guidry, Gordon Jr.
			Guidry, Guillaume A.
			Guidry, Harold.
			Guidry, Jason.
			Guidry, Jessie J.
			Guidry, Jessie Joseph.
			Guidry, Jonathan B.
			Guidry, Joseph T Jr.
			Guidry, Keith M.
			Guidry, Kenneth J.
			Guidry, Kerry A.
			Guidry, Marco.
			Guidry, Maurin T and Tamika.
			Guidry, Michael J.
			Guidry, Nolan J Sr.
			Guidry, Randy Peter Sr.
			Guidry, Rhonda S.
			Guidry, Robert C.
			Guidry, Robert Joseph.
			Guidry, Robert Wayne.
			Guidry, Roger.
			Guidry, Ronald.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Guidry, Roy Anthony.
			Guidry, Roy J.
			Guidry, Tammy.
			Guidry, Ted.
			Guidry, Thomas P.
			Guidry, Timothy.
			Guidry, Troy.
			Guidry, Troy.
			Guidry, Ulysses.
			Guidry, Vicki.
			Guidry, Wayne J.
			Guidry, Wyatt.
			Guidry, Yvonne.
			Guidry-Calva, Holly A.
			Guilbeaux, Donald J.
			Guilbeaux, Lou.
			Guillie, Shirley.
			Guillory, Horace H.
			Guillot, Benjamin J Jr.
			Guillot, Rickey A.
			Gulledge, Lee.
			Gutierrez, Anita.
			Guy, Jody.
			Guy, Kimothy Paul.
			Guy, Wilson.
			Ha, Cherie Lan.
			Ha, Co Dong.
			Ha, Lai Thuy Thi.
			Ha, Lyanna.
			Hadwall, John R.
			Hafford, Johnny.
			Hagan, Jules.
			Hagan, Marianna.
			Haiglea, Robbin Richard.
			Hales, William E.
			Halili, Rhonda L.
			Hall, Byron S.
			Hall, Darrel T Sr.
			Hall, Lorrie A.
			Hammer, Michael P.
			Hammock, Julius Michael.
			Hancock, Jimmy L.
			Handlin, William Sr.
			Hang, Cam T.
			Hansen, Chris.
			Hansen, Eric P.
			Hanson, Edmond A.
			Harbison, Louis.
			Hardee, William P.
			Hardison, Louis.
			Hardy, John C.
			Hardy, Sharon.
			Harmon, Michelle.
			Harrington, George J.
			Harrington, Jay.
			Harris, Bobby D.
			Harris, Buster.
			Harris, Jimmy Wayne Sr.
			Harris, Johnny Ray.
			Harris, Kenneth A.
			Harris, Ronnie.
			Harris, Susan D.
			Harris, William.
			Harrison, Daniel L.
			Hartmann, Leon M Jr.
			Hartmann, Walter Jr.
			Hattaway, Errol Henry.
			Haycock, Kenneth.
			Haydel, Gregory.
			Hayes, Clinton.
			Hayes, Katherine F.
			Hayes, Lod Jr.
			Hean, Hong.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Heathcock, Walter Jr.
			Hebert, Albert Joseph.
			Hebert, Bernie.
			Hebert, Betty Jo.
			Hebert, Chris.
			Hebert, Craig J.
			Hebert, David.
			Hebert, David Jr.
			Hebert, Earl J.
			Hebert, Eric J.
			Hebert, Jack M.
			Hebert, Johnny Paul.
			Hebert, Jonathan.
			Hebert, Jules J.
			Hebert, Kim M.
			Hebert, Lloyd S III.
			Hebert, Michael J.
			Hebert, Myron A.
			Hebert, Norman.
			Hebert, Patrick.
			Hebert, Patrick A.
			Hebert, Pennington Jr.
			Hebert, Philip.
			Hebert, Robert A.
			Hebert, Terry W.
			Hedrick, Gerald J Jr.
			Helmer, Claudia A.
			Helmer, Gerry J.
			Helmer, Herman C Jr.
			Helmer, Kenneth.
			Helmer, Larry J Sr.
			Helmer, Michael A Sr.
			Helmer, Rusty L.
			Helmer, Windy.
			Hemmenway, Jack.
			Henderson, Brad.
			Henderson, Curtis.
			Henderson, David A Jr.
			Henderson, David A Sr.
			Henderson, Johnny.
			Henderson, Olen.
			Henderson, P Loam.
			Henry, Joanne.
			Henry, Rodney.
			Herbert, Patrick and Terry.
			Hereford, Rodney O Jr.
			Hereford, Rodney O Sr.
			Hernandez, Corey.
			Herndon, Mark.
			Hertel, Charles W.
			Hertz, Edward C Sr.
			Hess, Allen L Sr.
			Hess, Henry D Jr.
			Hess, Jessica R.
			Hess, Wayne B.
			Hewett, Emma.
			Hewett, James.
			Hickman, John.
			Hickman, Marvin.
			Hicks, Billy M.
			Hicks, James W.
			Hicks, Larry W.
			Hicks, Walter R.
			Hien, Nguyen.
			Higgins, Joseph J III.
			Hill, Darren S.
			Hill, Joseph R.
			Hill, Sharon.
			Hill, Willie E Jr.
			Hills, Herman W.
			Hingle, Barbara E.
			Hingle, Rick A.
			Hingle, Roland T Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Hingle, Roland T Sr.
			Hingle, Ronald J.
			Hinojosa, R.
			Hinojosa, Randy.
			Hinojosa, Ricky A.
			Hipps, Nicole Marie.
			Ho, Dung Tan.
			Ho, Hung.
			Ho, Jennifer.
			Ho, Jimmy.
			Ho, Lam.
			Ho, Nam.
			Ho, Nga T.
			Ho, O.
			Ho, Sang N.
			Ho, Thanh Quoc.
			Ho, Thien Dang.
			Ho, Tien Van.
			Ho, Tri Tran.
			Hoang, Dung T.
			Hoang, Hoa T and Tam Hoang.
			Hoang, Huy Van.
			Hoang, Jennifer Vu.
			Hoang, John.
			Hoang, Julie.
			Hoang, Kimberly.
			Hoang, Linda.
			Hoang, Loan.
			Hoang, San Ngoc.
			Hoang, Tro Van.
			Hoang, Trung Kim.
			Hoang, Trung Tuan.
			Hoang, Vincent Huynh.
			Hodges, Ralph W.
			Hoffpaviiz, Harry K.
			Holland, Vidal.
			Holler, Boyce Dwight Jr.
			Hollier, Dennis J.
			Holloway, Carl D.
			Hong, Tai Van.
			Hood, Malcolm.
			Hopton, Douglas.
			Horaist, Shawn P.
			Hostetler, Warren L II.
			Hotard, Claude.
			Hotard, Emile J Jr.
			Howard, Jeff.
			Howerin, Billy Sr.
			Howerin, Wendell Sr.
			Hubbard, Keith.
			Hubbard, Perry III.
			Huber, Berry T.
			Huber, Charles A.
			Huck, Irma Elaine.
			Huck, Steven R.
			Huckabee, Harold.
			Hue, Patrick A.
			Hughes, Brad J.
			Hults, Thomas.
			Hutcherson, Daniel J.
			Hutchinson, Douglas.
			Hutchinson, George D.
			Hutchinson, William H.
			Hutto, Cynthia E.
			Hutto, Henry G Jr.
			Huynh, Chien Thi.
			Huynh, Dong Xuan.
			Huynh, Dung.
			Huynh, Dung V.
			Huynh, Hai.
			Huynh, Hai.
			Huynh, Hai Van.
			Huynh, Hoang D.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Huynh, Hoang Van.
			Huynh, Hung.
			Huynh, James N.
			Huynh, Johhny Hiep.
			Huynh, Johnnie.
			Huynh, Kim.
			Huynh, Lay.
			Huynh, Long.
			Huynh, Mack Van.
			Huynh, Mau Van.
			Huynh, Minh.
			Huynh, Minh Van.
			Huynh, Nam Van.
			Huynh, Thai.
			Huynh, Tham Thi.
			Huynh, Thanh.
			Huynh, The V.
			Huynh, Tri.
			Huynh, Truc.
			Huynh, Tu.
			Huynh, Tu.
			Huynh, Tung Van.
			Huynh, Van X.
			Huynh, Viet Van.
			Huynh, Vuong Van.
			Hymel, Joseph Jr.
			Hymel, Michael D.
			Hymel, Nolan J Sr.
			Ingham, Herbert W.
			Inglis, Richard M.
			Ingraham, Joseph S.
			Ingraham, Joyce.
			Ipock, Billy.
			Ipock, William B.
			Ireland, Arthur Allen.
			Iver, George Jr.
			Jackson, Alfred M.
			Jackson, Carl John.
			Jackson, David.
			Jackson, Eugene O.
			Jackson, Glenn C Jr.
			Jackson, Glenn C Sr.
			Jackson, James Jerome.
			Jackson, John D.
			Jackson, John Elton Sr.
			Jackson, Levi.
			Jackson, Nancy L.
			Jackson, Robert W.
			Jackson, Shannon.
			Jackson, Shaun C.
			Jackson, Steven A.
			Jacob, Ronald R.
			Jacob, Warren J Jr.
			Jacobs, L Anthony.
			Jacobs, Lawrence F.
			Jarreau, Billy and Marilyn.
			Jarvis, James D.
			Jaye, Emma.
			Jeanfreau, Vincent R.
			Jefferies, William.
			Jemison, Timothy Michael Sr.
			Jennings, Jacob.
			Joffrion, Harold J Jr.
			Johnson, Albert F.
			Johnson, Ashley Lamar.
			Johnson, Bernard Jr.
			Johnson, Brent W.
			Johnson, Bruce Warem.
			Johnson, Carl S.
			Johnson, Carolyn.
			Johnson, Clyde Sr.
			Johnson, David G.
			Johnson, David Paul.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Johnson, Gary Allen Sr.
			Johnson, George D.
			Johnson, Michael A.
			Johnson, Randy J.
			Johnson, Regenia.
			Johnson, Robert.
			Johnson, Ronald Ray Sr.
			Johnson, Steve.
			Johnson, Thomas Allen Jr.
			Johnston, Ronald.
			Joly, Nicholas J Jr.
			Jones, Charles.
			Jones, Clinton.
			Jones, Daisy Mae.
			Jones, Jeffery E.
			Jones, Jerome N Sr.
			Jones, John W.
			Jones, Larry.
			Jones, Len.
			Jones, Michael G Sr.
			Jones, Paul E.
			Jones, Perry T Sr.
			Jones, Ralph William.
			Jones, Richard G Sr.
			Jones, Stephen K.
			Jones, Wayne.
			Joost, Donald F.
			Jordan, Dean.
			Jordan, Hubert William III (Bert).
			Jordan, Hurbert W Jr.
			Judalet, Ramon G.
			Judy, William Roger.
			Julian, Ida.
			Julian, John I Sr.
			Juneau, Anthony Sr.
			Juneau, Bruce.
			Juneau, Robert A Jr and Laura K.
			Jurjevich, Leander J.
			Kain, Jules B Sr.
			Kain, Martin A.
			Kalliainen, Dale.
			Kalliainen, Richard.
			Kang, Chamroeun.
			Kang, Sambo.
			Kap, Brenda.
			Keen, Robert Steven.
			Keenan, Robert M.
			Kellum, Kenneth Sr.
			Kellum, Larry Gray Sr.
			Kellum, Roxanne.
			Kelly, Roger B.
			Kelly, Thomas E.
			Kendrick, Chuck J.
			Kennair, Michael S.
			Kennedy, Dothan.
			Kenney, David Jr.
			Kenney, Robert W.
			Kent, Michael A.
			Keo, Bunly.
			Kerchner, Steve.
			Kern, Thurmond.
			Khin, Sochenda.
			Khui, Lep and Nga Ho.
			Kidd, Frank.
			Kiesel, Edward C and Lorraine T.
			Kiff, Hank J.
			Kiff, Melvin.
			Kiffe, Horace.
			Kim, Puch.
			Kimbrough, Carson.
			Kim-Tun, Soeun.
			King, Andy A.
			King, Donald Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			King, James B.
			King, Thornell.
			King, Wesley.
			Kit, An.
			Kizer, Anthony J.
			Kleimann, Robert.
			Knapp, Alton P Jr.
			Knapp, Alton P Sr.
			Knapp, Ellis L Jr.
			Knapp, Melvin L.
			Knapp, Theresa.
			Knecht, Frederick Jr.
			Knezek, Lee.
			Knight, George.
			Knight, Keith B.
			Knight, Robert E.
			Koch, Howard J.
			Kong, Seng.
			Konitz, Bobby.
			Koo, Herman.
			Koonce, Curtis S.
			Koonce, Howard N.
			Kopszywa, Mark L.
			Kopszywa, Stanley J.
			Kotulja, Stejepan.
			Kraemer, Bridget.
			Kraemer, Wilbert J.
			Kraemer, Wilbert Jr.
			Kramer, David.
			Krantz, Arthur Jr.
			Krantz, Lori.
			Kraver, C W.
			Kreger, Ronald A Sr.
			Kreger, Roy J Sr.
			Kreger, Ryan A.
			Krennerich, Raymond A.
			Kroke, Stephen E.
			Kruth, Frank D.
			Kuchler, Alphonse L III.
			Kuhn, Bruce A Sr.
			Kuhn, Gerard R Jr.
			Kuhn, Gerard R Sr.
			Kuhns, Deborah.
			LaBauve, Kerry.
			LaBauve, Sabrina.
			LaBauve, Terry.
			LaBiche, Todd A.
			LaBove, Carroll.
			LaBove, Frederick P.
			Lachica, Jacqueline.
			Lachico, Douglas.
			Lacobon, Tommy W Jr.
			Lacobon, Tony C.
			LaCoste, Broddie.
			LaCoste, Carl.
			LaCoste, Dennis E.
			LaCoste, Grayland J.
			LaCoste, Malcolm Jr.
			LaCoste, Melvin.
			LaCoste, Melvin W Jr.
			LaCoste, Ravin J Jr.
			LaCoste, Ravin Sr.
			Ladner, Clarence J III.
			Ladson, Earlene G.
			LaFont, Douglas A Sr.
			LaFont, Edna S.
			LaFont, Jackin.
			LaFont, Noces J Jr.
			LaFont, Weyland J Sr.
			LaFrance, Joseph T.
			Lagarde, Frank N.
			Lagarde, Gary Paul.
			Lagasse, Michael F.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Lai, Hen K.
			Lai, Then.
			Lam, Cang Van.
			Lam, Cui.
			Lam, Dong Van.
			Lam, Hiep Tan.
			Lam, Lan Van.
			Lam, Lee Phenh.
			Lam, Phan.
			Lam, Qui.
			Lam, Sochen.
			Lam, Tai.
			Lam, Tinh Huu.
			Lambas, Jessie J Sr.
			Lanclos, Paul.
			Landry, David A.
			Landry, Dennis J.
			Landry, Edward N Jr.
			Landry, George.
			Landry, George M.
			Landry, James F.
			Landry, Jude C.
			Landry, Robert E.
			Landry, Ronald J.
			Landry, Samuel J Jr.
			Landry, Tracy.
			Lane, Daniel E.
			Lapeyrouse, Lance M.
			Lapeyrouse, Rosalie.
			Lapeyrouse, Tillman Joseph.
			LaRive, James L Jr.
			LaRoche, Daniel S.
			Lasseigne, Betty.
			Lasseigne, Blake.
			Lasseigne, Floyd.
			Lasseigne, Frank.
			Lasseigne, Harris Jr.
			Lasseigne, Ivy Jr.
			Lasseigne, Jefferson.
			Lasseigne, Jefferson P Jr.
			Lasseigne, Johnny J.
			Lasseigne, Marlene.
			Lasseigne, Nolan J.
			Lasseigne, Trent.
			Lat, Chhiet.
			Latapie, Charlotte A.
			Latapie, Crystal.
			Latapie, Jerry.
			Latapie, Joey G.
			Latapie, Joseph.
			Latapie, Joseph F Sr.
			Latapie, Travis.
			Latiolais, Craig J.
			Latiolais, Joel.
			Lau, Ho Thanh.
			Laughlin, James G.
			Laughlin, James Mitchell.
			Laurent, Yvonne M.
			Lavergne, Roger.
			Lawdros, Terrance Jr.
			Layrisson, Michael A III.
			Le, Amanda.
			Le, An Van.
			Le, Ben.
			Le, Binh T.
			Le, Cheo Van.
			Le, Chinh Thanh.
			Le, Chinh Thanh and Yen Vo.
			Le, Cu Thi.
			Le, Dai M.
			Le, Dale.
			Le, David Rung.
			Le, Du M.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Le, Duc V.
			Le, Duoc M.
			Le, Hien V.
			Le, Houston T.
			Le, Hung.
			Le, Jimmy.
			Le, Jimmy and Hoang.
			Le, Khoa.
			Le, Kim.
			Le, Ky Van.
			Le, Lang Van.
			Le, Lily.
			Le, Lisa Tuyet Thi.
			Le, Loi.
			Le, Minh Van.
			Le, Muoi Van.
			Le, My.
			Le, My V.
			Le, Nam and Xhan-Minh Le.
			Le, Nam Van.
			Le, Nhieu T.
			Le, Nhut Hoang.
			Le, Nu Thi.
			Le, Phuc Van.
			Le, Que V.
			Le, Quy.
			Le, Robert.
			Le, Sam Van.
			Le, Sau V.
			Le, Son.
			Le, Son.
			Le, Son H.
			Le, Son Quoc.
			Le, Son Van.
			Le, Su.
			Le, Tam V.
			Le, Thanh Huong.
			Le, Tong Minh.
			Le, Tony.
			Le, Tracy Lan Chi.
			Le, Tuan Nhu.
			Le, Viet Hoang.
			Le, Vui.
			Leaf, Andrew Scott.
			Leary, Roland.
			LeBeauf, Thomas.
			LeBlanc, Donnie.
			LeBlanc, Edwin J.
			LeBlanc, Enoch P.
			LeBlanc, Gareth R III.
			LeBlanc, Gareth R Jr.
			LeBlanc, Gerald E.
			LeBlanc, Hubert C.
			LeBlanc, Jerald.
			LeBlanc, Jesse Jr.
			LeBlanc, Keenon Anthony.
			LeBlanc, Lanvin J.
			LeBlanc, Luke A.
			LeBlanc, Marty J.
			LeBlanc, Marty J Jr.
			LeBlanc, Mickel J.
			LeBlanc, Robert Patrick.
			LeBlanc, Scotty M.
			LeBlanc, Shelton.
			LeBlanc, Terry J.
			LeBoeuf, Brent J.
			LeBoeuf, Emery J.
			LeBoeuf, Joseph R.
			LeBoeuf, Tammy Y.
			LeBouef, Dale.
			LeBouef, Edward J.
			LeBouef, Ellis J Jr.
			LeBouef, Gillis.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			LeBouef, Jimmie.
			LeBouef, Leslie.
			LeBouef, Lindy J.
			LeBouef, Micheal J.
			LeBouef, Raymond.
			LeBouef, Tommy J.
			LeBouef, Wiley Sr.
			LeBourgeois, Stephen A.
			LeCompte, Alena.
			LeCompte, Aubrey J.
			LeCompte, Etha.
			LeCompte, Jesse C Jr.
			LeCompte, Jesse Jr.
			LeCompte, Jesse Sr.
			LeCompte, Lyle.
			LeCompte, Patricia F.
			LeCompte, Todd.
			LeCompte, Troy A Sr.
			Ledet, Brad.
			Ledet, Bryan.
			Ledet, Carlton.
			Ledet, Charles J.
			Ledet, Jack A.
			Ledet, Kenneth A.
			Ledet, Mark.
			Ledet, Maxine B.
			Ledet, Mervin.
			Ledet, Phillip John.
			Ledoux, Dennis.
			Ledwig, Joe J.
			Lee, Carl.
			Lee, James K.
			Lee, Marilyn.
			Lee, Otis M Jr.
			Lee, Raymond C.
			Lee, Robert E.
			Lee, Steven J.
			Leek, Mark A.
			LeGaux, Roy J Jr.
			Legendre, Kerry.
			Legendre, Paul.
			Leger, Andre.
			LeGros, Alex M.
			LeJeune, Philip Jr.
			LeJeune, Philip Sr.
			LeJeune, Ramona V.
			LeJeunee, Debbie.
			LeJuine, Eddie R.
			LeLand, Allston Bochet.
			Leland, Rutledge B III.
			Leland, Rutledge B Jr.
			LeLeaux, David.
			Leleux, Kevin J.
			Lemoine, Jeffery Jr.
			Leonard, Dan.
			Leonard, Dexter J Jr.
			Leonard, Micheal A.
			Lepine, Leroy L.
			Lesso, Rudy Jr.
			Lester, Shawn.
			Levron, Dale T.
			Levy, Patrick T.
			Lewis, Kenneth.
			Lewis, Mark Steven.
			Libersat, Anthony R.
			Libersat, Kim.
			Licatino, Daniel Jr.
			Lichenstein, Donald L.
			Lilley, Douglas P.
			Lim, Chhay.
			Lim, Koung.
			Lim, Tav Seng.
			Linden, Eric L.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Liner, Claude J Jr.
			Liner, Harold.
			Liner, Jerry.
			Liner, Kevin.
			Liner, Michael B Sr.
			Liner, Morris T Jr.
			Liner, Morris T Sr.
			Liner, Tandy M.
			Linh, Pham.
			Linwood, Dolby.
			Lirette, Alex J Sr.
			Lirette, Bobby and Sheri.
			Lirette, Chester Patrick.
			Lirette, Daniel J.
			Lirette, Dean J.
			Lirette, Delvin J Jr.
			Lirette, Delvin Jr.
			Lirette, Desaire J.
			Lirette, Eugis P Sr.
			Lirette, Guy A.
			Lirette, Jeannie.
			Lirette, Kern A.
			Lirette, Ron C.
			Lirette, Russell (Chico) Jr.
			Lirette, Shaun Patrick.
			Lirette, Terry J Sr.
			Little, William A.
			Little, William Boyd.
			Liv, Niem S.
			Livaudais, Ernest J.
			Liverman, Harry R.
			LoBue, Michael Anthony Sr.
			Locascio, Dustin.
			Lockhart, William T.
			Lodrigue, Jimmy A.
			Lodrigue, Kerry.
			Lombardo, Joseph P.
			Lombas, James A Jr.
			Lombas, Kim D.
			Londrie, Harley.
			Long, Cao Thanh.
			Long, Dinh.
			Long, Robert.
			Longo, Ronald S Jr.
			Longwater, Ryan Heath.
			Loomer, Rhonda.
			Lopez, Celestino.
			Lopez, Evelio.
			Lopez, Harry N.
			Lopez, Ron.
			Lopez, Scott.
			Lopez, Stephen R Jr.
			Lord, Michael E Sr.
			Loupe, George Jr.
			Loupe, Ted.
			Lovell, Billy.
			Lovell, Bobby Jason.
			Lovell, Bradford John.
			Lovell, Charles J Jr.
			Lovell, Clayton.
			Lovell, Douglas P.
			Lovell, Jacob G.
			Lovell, Lois.
			Lovell, Slade M.
			Luke, Bernadette C.
			Luke, David.
			Luke, Dustan.
			Luke, Henry.
			Luke, Jeremy Paul.
			Luke, Keith J.
			Luke, Patrick A.
			Luke, Patrick J.
			Luke, Paul Leroy.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Luke, Rudolph J.
			Luke, Samantha.
			Luke, Sidney Jr.
			Luke, Terry Patrick Jr.
			Luke, Terry Patrick Sr.
			Luke, Timothy.
			Luke, Wiltz J.
			Lund, Ora G.
			Luneau, Ferrell J.
			Luong, Kevin.
			Luong, Thu X.
			Luscy, Lydia.
			Luscy, Richard.
			Lutz, William A.
			Luu, Binh.
			Luu, Vinh.
			Luu, Vinh V.
			Ly, Bui.
			Ly, Hen.
			Ly, Hoc.
			Ly, Kelly D.
			Ly, Nu.
			Ly, Sa.
			Ly, Ven.
			Lyall, Rosalie.
			Lycett, James A.
			Lyons, Berton J.
			Lyons, Berton J Sr.
			Lyons, Jack.
			Lyons, Jerome M.
			Mackey, Marvin Sr.
			Mackie, Kevin L.
			Maggio, Wayne A.
			Magwood, Edwin Wayne.
			Mai, Danny V.
			Mai, Lang V.
			Mai, Tai.
			Mai, Trach Xuan.
			Maise, Rubin J.
			Maise, Todd.
			Majoue, Ernest J.
			Majoue, Nathan L.
			Malcombe, David.
			Mallett, Irvin Ray.
			Mallett, Jimmie.
			Mallett, Lawrence J.
			Mallett, Mervin B.
			Mallett, Rainbow.
			Mallett, Stephney.
			Malley, Ned F Jr.
			Mamolo, Charles H Sr.
			Mamolo, Romeo C Jr.
			Mamolo, Terry A.
			Mancera, Jesus.
			Manuel, Joseph R.
			Manuel, Shon.
			Mao, Chandarasy.
			Mao, Kim.
			Marcel, Michelle.
			Marchese, Joe Jr.
			Mareno, Ansley.
			Mareno, Brent J.
			Mareno, Kenneth L.
			Marie, Allen J.
			Marie, Marty.
			Marmande, Al.
			Marmande, Alidore.
			Marmande, Denise.
			Marquize, Heather.
			Marquize, Kip.
			Marris, Roy C Jr.
			Martin, Darren.
			Martin, Dean J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Martin, Dennis.
			Martin, Jody W.
			Martin, John F III.
			Martin, Michael A.
			Martin, Nora S.
			Martin, Rod J.
			Martin, Roland J Jr.
			Martin, Russel J Sr.
			Martin, Sharon J.
			Martin, Tanna G.
			Martin, Wendy.
			Martinez, Carl R.
			Martinez, Henry.
			Martinez, Henry Joseph.
			Martinez, Lupe.
			Martinez, Michael.
			Martinez, Rene J.
			Mason, James F Jr.
			Mason, Johnnie W.
			Mason, Luther.
			Mason, Mary Lois.
			Mason, Percy D Jr.
			Mason, Walter.
			Matherne, Anthony.
			Matherne, Blakland Sr.
			Matherne, Bradley J.
			Matherne, Claude I Jr.
			Matherne, Clifford P.
			Matherne, Curlis J.
			Matherne, Forest J.
			Matherne, George J.
			Matherne, Glenn A.
			Matherne, Grace L.
			Matherne, James C.
			Matherne, James J Jr.
			Matherne, James J Sr.
			Matherne, Joey A.
			Matherne, Keith.
			Matherne, Larry Jr.
			Matherne, Louis M Sr.
			Matherne, Louis Michael.
			Matherne, Nelson.
			Matherne, Thomas G.
			Matherne, Thomas G Jr.
			Matherne, Thomas Jr.
			Matherne, Thomas M Sr.
			Matherne, Wesley J.
			Mathews, Patrick.
			Mathurne, Barry.
			Matte, Martin J Sr.
			Mauldin, Johnny.
			Mauldin, Mary.
			Mauldin, Shannon.
			Mavar, Mark D.
			Mayeux, Lonies A Jr.
			Mayeux, Roselyn P.
			Mayfield, Gary.
			Mayfield, Henry A Jr.
			Mayfield, James J III.
			Mayon, Allen J.
			Mayon, Wayne Sr.
			McAnespy, Henry.
			McAnespy, Louis.
			McCall, Marcus H.
			McCall, R Terry Sr.
			McCarthy, Carliss.
			McCarthy, Michael.
			McCauley, Byron Keith.
			McCauley, Katrina.
			McClantoc, Robert R and Debra.
			McClellan, Eugene Gardner.
			McCormick, Len.
			McCuiston, Denny Carlton.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			McDonald, Allan.
			McElroy, Harry J.
			McFarlain, Merlin J Jr.
			McGuinn, Dennis.
			McIntosh, James Richard.
			McIntyre, Michael D.
			McIver, John H Jr.
			McKendree, Roy.
			McKenzie, George B.
			McKinzie, Bobby E.
			McKoin, Robert.
			McKoin, Robert F Jr.
			McLendon, Jonathon S.
			McNab, Robert Jr.
			McQuaig, Don W.
			McQuaig, Oliver J.
			Medine, David P.
			Mehaffey, John P.
			Melancon, Brent K.
			Melancon, Neva.
			Melancon, Rickey.
			Melancon, Roland Jr.
			Melancon, Roland T Jr.
			Melancon, Sean P.
			Melancon, Terral J.
			Melancon, Timmy J.
			Melanson, Ozimea J III.
			Melerine, Angela.
			Melerine, Brandon T.
			Melerine, Claude A.
			Melerine, Claude A Jr.
			Melerine, Dean J.
			Melerine, Eric W Jr.
			Melerine, John D Sr.
			Melerine, Linda C.
			Melerine, Raymond Joseph.
			Melford, Daniel W Sr.
			Mello, Nelvin.
			Men, Sophin.
			Menendez, Wade E.
			Menesses, Dennis.
			Menesses, James H.
			Menesses, Jimmy.
			Menesses, Louis.
			Menge, Lionel A.
			Menge, Vincent J.
			Mercy, Dempsey.
			Merrick, Harold A.
			Merrick, Kevin Sr.
			Merritt, Darren Sr.
			Messer, Chase.
			Meyers, Otis J.
			Miarm, Soeum.
			Michel, Steven D.
			Middleton, Dan Sr.
			Migues, Henry.
			Migues, Kevin L Sr.
			Milam, Ricky.
			Miles, Ricky David.
			Miley, Donna J.
			Militello, Joseph.
			Miller, David W.
			Miller, Fletcher N.
			Miller, James A.
			Miller, Larry B.
			Miller, Mabry Allen Jr.
			Miller, Michael E.
			Miller, Michele K.
			Miller, Randy A.
			Miller, Rhonda E.
			Miller, Wayne.
			Millet, Leon B.
			Millington, Donnie.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Millington, Ronnie.
			Millis, Moses.
			Millis, Raeford.
			Millis, Timmie Lee.
			Mine, Derrick.
			Miner, Peter G.
			Minh, Kha.
			Minh, Phuc-Truong.
			Mitchell, Ricky Allen.
			Mitchell, Todd.
			Mitchum, Francis Craig.
			Mixon, G C.
			Mobley, Bryan A.
			Mobley, Jimmy Sr.
			Mobley, Robertson.
			Mock, Frank Sr.
			Mock, Frankie E Jr.
			Mock, Jesse R II.
			Mock, Terry Lyn.
			Molero, Louis F III.
			Molero, Louis Frank.
			Molinere, Al L.
			Molinere, Floyd.
			Molinere, Roland Jr.
			Molinere, Stacey.
			Moll, Angela.
			Moll, Jerry J Jr.
			Moll, Jonathan P.
			Moll, Julius J.
			Moll, Randall Jr.
			Mollere, Randall.
			Mones, Philip J Jr.
			Mones, Tino.
			Moody, Guy D.
			Moore, Carl Stephen.
			Moore, Curtis L.
			Moore, Kenneth.
			Moore, Richard.
			Moore, Willis.
			Morales, Anthony.
			Morales, Clinton A.
			Morales, Daniel Jr.
			Morales, Daniel Sr.
			Morales, David.
			Morales, Elwood J Jr.
			Morales, Eugene J Jr.
			Morales, Eugene J Sr.
			Morales, Kimberly.
			Morales, Leonard L.
			Morales, Phil J Jr.
			Morales, Raul.
			Moran, Scott.
			Moreau, Allen Joseph.
			Moreau, Berlin J Sr.
			Moreau, Daniel R.
			Moreau, Hubert J.
			Moreau, Mary.
			Moreau, Rickey J Sr.
			Morehead, Arthur B Jr.
			Moreno, Ansley.
			Morgan, Harold R.
			Morici, John.
			Morris, Herbert Eugene.
			Morris, Jesse A.
			Morris, Jesse A Sr.
			Morris, Preston.
			Morrison, Stephen D Jr.
			Morton, Robert A.
			Morvant, Keith M.
			Morvant, Patsy Lishman.
			Moschettieri, Chalam.
			Moseley, Kevin R.
			Motley, Michele.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Mouille, William L.
			Mouton, Ashton J.
			Moveront, Timothy.
			Mund, Mark.
			Murphy, Denis R.
			Muth, Gary J Sr.
			Myers, Joseph E Jr.
			Na, Tran Van.
			Naccio, Andrew.
			Nacio, Lance M.
			Nacio, Noel.
			Nacio, Philocles J Sr.
			Naquin, Alton J.
			Naquin, Andrew J Sr.
			Naquin, Antoine Jr.
			Naquin, Autry James.
			Naquin, Bobby J and Sheila.
			Naquin, Bobby Jr.
			Naquin, Christine.
			Naquin, Dean J.
			Naquin, Donna P.
			Naquin, Earl.
			Naquin, Earl L.
			Naquin, Freddie.
			Naquin, Gerald.
			Naquin, Henry.
			Naquin, Irvin J.
			Naquin, Jerry Joseph Jr.
			Naquin, Kenneth J Jr.
			Naquin, Kenneth J Sr.
			Naquin, Linda L.
			Naquin, Lionel A Jr.
			Naquin, Mark D Jr.
			Naquin, Marty J Sr.
			Naquin, Milton H IV.
			Naquin, Oliver A.
			Naquin, Robert.
			Naquin, Roy A.
			Naquin, Vernon.
			Navarre, Curtis J.
			Navero, Floyd G Jr.
			Neal, Craig A.
			Neal, Roy J Jr.
			Neely, Bobby H.
			Nehlig, Raymond E Sr.
			Neil, Dean.
			Neil, Jacob.
			Neil, Julius.
			Neil, Robert J Jr.
			Neil, Tommy Sr.
			Nelson, Billy J Sr.
			Nelson, Deborah.
			Nelson, Elisha W.
			Nelson, Ernest R.
			Nelson, Faye.
			Nelson, Fred H Sr.
			Nelson, Gordon Kent Sr.
			Nelson, Gordon W III.
			Nelson, Gordon W Jr.
			Nelson, John Andrew.
			Nelson, William Owen Jr.
			Nelton, Aaron J Jr.
			Nelton, Steven J.
			Nettleton, Cody.
			Newell, Ronald B.
			Newsome, Thomas E.
			Newton, Paul J.
			Nghiem, Billy.
			Ngo, Chuong Van.
			Ngo, Duc.
			Ngo, Hung V.
			Ngo, Liem Thanh.
			Ngo, Maxie.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Ngo, The T.
			Ngo, Truong Dinh.
			Ngo, Van Lo.
			Ngo, Vu Hoang.
			Ngoc, Lam Lam.
			Ngu, Thoi.
			Nguyen, Amy.
			Nguyen, An Hoang.
			Nguyen, Andy Dung.
			Nguyen, Andy T.
			Nguyen, Anh and Thanh D Tiet.
			Nguyen, Ba.
			Nguyen, Ba Van.
			Nguyen, Bac Van.
			Nguyen, Bao Q.
			Nguyen, Bay Van.
			Nguyen, Be.
			Nguyen, Be.
			Nguyen, Be.
			Nguyen, Be Em.
			Nguyen, Bich Thao.
			Nguyen, Bien V.
			Nguyen, Binh.
			Nguyen, Binh Cong.
			Nguyen, Binh V.
			Nguyen, Binh Van.
			Nguyen, Binh Van.
			Nguyen, Binh Van.
			Nguyen, Bui Van.
			Nguyen, Ca Em.
			Nguyen, Can.
			Nguyen, Can Van.
			Nguyen, Canh V.
			Nguyen, Charlie.
			Nguyen, Chien.
			Nguyen, Chien Van.
			Nguyen, Chin.
			Nguyen, Chinh Van.
			Nguyen, Christian.
			Nguyen, Chuc.
			Nguyen, Chung.
			Nguyen, Chung Van.
			Nguyen, Chuong Hoang.
			Nguyen, Chuong V.
			Nguyen, Chuyen.
			Nguyen, Coolly Dinh.
			Nguyen, Cuong.
			Nguyen, Dai.
			Nguyen, Dan T.
			Nguyen, Dan Van.
			Nguyen, Dan Van.
			Nguyen, Dang.
			Nguyen, Danny.
			Nguyen, David.
			Nguyen, Day Van.
			Nguyen, De Van.
			Nguyen, Den.
			Nguyen, Diem.
			Nguyen, Dien.
			Nguyen, Diep.
			Nguyen, Dinh.
			Nguyen, Dinh V.
			Nguyen, Dong T.
			Nguyen, Dong Thi.
			Nguyen, Dong X.
			Nguyen, Duc.
			Nguyen, Duc Van.
			Nguyen, Dung.
			Nguyen, Dung Anh and Xuan Duong.
			Nguyen, Dung Ngoc.
			Nguyen, Dung Van.
			Nguyen, Dung Van.
			Nguyen, Duoc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nguyen, Duong V.
			Nguyen, Duong Van.
			Nguyen, Duong Xuan.
			Nguyen, Francis N.
			Nguyen, Frank.
			Nguyen, Gary.
			Nguyen, Giang T.
			Nguyen, Giang Truong.
			Nguyen, Giau Van.
			Nguyen, Ha T.
			Nguyen, Ha Van.
			Nguyen, Hai Van.
			Nguyen, Hai Van.
			Nguyen, Han Van.
			Nguyen, Han Van.
			Nguyen, Hang.
			Nguyen, Hanh T.
			Nguyen, Hao Van.
			Nguyen, Harry H.
			Nguyen, Henri Hiep.
			Nguyen, Henry-Trang.
			Nguyen, Hien.
			Nguyen, Hien V.
			Nguyen, Hiep.
			Nguyen, Ho.
			Nguyen, Ho V.
			Nguyen, Hoa.
			Nguyen, Hoa.
			Nguyen, Hoa N.
			Nguyen, Hoa Van.
			Nguyen, Hoang.
			Nguyen, Hoang.
			Nguyen, Hoang T.
			Nguyen, Hoi.
			Nguyen, Hon Xuong.
			Nguyen, Huan.
			Nguyen, Hung.
			Nguyen, Hung.
			Nguyen, Hung.
			Nguyen, Hung M.
			Nguyen, Hung Manh.
			Nguyen, Hung Van.
			Nguyen, Hung-Joseph.
			Nguyen, Huu Nghia.
			Nguyen, Hy Don N.
			Nguyen, Jackie Tin.
			Nguyen, James.
			Nguyen, James N.
			Nguyen, Jefferson.
			Nguyen, Jennifer.
			Nguyen, Jimmy.
			Nguyen, Jimmy.
			Nguyen, Joachim.
			Nguyen, Joe.
			Nguyen, John R.
			Nguyen, John Van.
			Nguyen, Johnny.
			Nguyen, Joseph Minh.
			Nguyen, Kenny Hung Mong.
			Nguyen, Kevin.
			Nguyen, Khai.
			Nguyen, Khanh.
			Nguyen, Khanh and Viet Dinh.
			Nguyen, Khanh Q.
			Nguyen, Khiem.
			Nguyen, Kien Phan.
			Nguyen, Kim.
			Nguyen, Kim Mai.
			Nguyen, Kim Thoa.
			Nguyen, Kinh V.
			Nguyen, Lai.
			Nguyen, Lai.
			Nguyen, Lai Tan.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nguyen, Lam.
			Nguyen, Lam Van.
			Nguyen, Lam Van.
			Nguyen, Lam Van.
			Nguyen, Lan.
			Nguyen, Lang.
			Nguyen, Lang.
			Nguyen, Lanh.
			Nguyen, Lap Van.
			Nguyen, Lap Van.
			Nguyen, Le.
			Nguyen, Lien and Hang Luong.
			Nguyen, Lien Thi.
			Nguyen, Linda Oan.
			Nguyen, Linh Thi.
			Nguyen, Linh Van.
			Nguyen, Lintt Danny.
			Nguyen, Lluu.
			Nguyen, Loc.
			Nguyen, Loi.
			Nguyen, Loi.
			Nguyen, Long Phi.
			Nguyen, Long T.
			Nguyen, Long Viet.
			Nguyen, Luom T.
			Nguyen, Mai Van.
			Nguyen, Man.
			Nguyen, Mao-Van.
			Nguyen, Mary.
			Nguyen, Mary.
			Nguyen, Melissa.
			Nguyen, Minh.
			Nguyen, Minh.
			Nguyen, Minh.
			Nguyen, Minh.
			Nguyen, Minh.
			Nguyen, Minh Ngoc.
			Nguyen, Minh Van.
			Nguyen, Moot.
			Nguyen, Mui Van.
			Nguyen, Mung T.
			Nguyen, Muoi.
			Nguyen, My Le Thi.
			Nguyen, My Tan.
			Nguyen, My V.
			Nguyen, Nam Van.
			Nguyen, Nam Van.
			Nguyen, Nam Van.
			Nguyen, Nam Van.
			Nguyen, Nancy.
			Nguyen, Nancy.
			Nguyen, Nghi.
			Nguyen, Nghi Q.
			Nguyen, Nghia.
			Nguyen, Nghiep.
			Nguyen, Ngoc Tim.
			Nguyen, Ngoc Van.
			Nguyen, Nguyet.
			Nguyen, Nhi.
			Nguyen, Nho Van.
			Nguyen, Nina.
			Nguyen, Nuong.
			Nguyen, Peter.
			Nguyen, Peter Thang.
			Nguyen, Peter V.
			Nguyen, Phe.
			Nguyen, Phong.
			Nguyen, Phong Ngoc.
			Nguyen, Phong T.
			Nguyen, Phong Xuan.
			Nguyen, Phu Huu.
			Nguyen, Phuc.
			Nguyen, Phuoc H.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nguyen, Phuoc Van.
			Nguyen, Phuong.
			Nguyen, Phuong.
			Nguyen, Quang.
			Nguyen, Quang.
			Nguyen, Quang Dang.
			Nguyen, Quang Dinh.
			Nguyen, Quang Van.
			Nguyen, Quoc Van.
			Nguyen, Quyen Minh.
			Nguyen, Quyen T.
			Nguyen, Quyen-Van.
			Nguyen, Ran T.
			Nguyen, Randon.
			Nguyen, Richard.
			Nguyen, Richard Nghia.
			Nguyen, Rick Van.
			Nguyen, Ricky Tinh.
			Nguyen, Roe Van.
			Nguyen, Rose.
			Nguyen, Sam.
			Nguyen, Sandy Ha.
			Nguyen, Sang Van.
			Nguyen, Sau V.
			Nguyen, Si Ngoc.
			Nguyen, Son.
			Nguyen, Son Thanh.
			Nguyen, Son Van.
			Nguyen, Song V.
			Nguyen, Steve.
			Nguyen, Steve Q.
			Nguyen, Steven Giap.
			Nguyen, Sung.
			Nguyen, Tai.
			Nguyen, Tai The.
			Nguyen, Tai Thi.
			Nguyen, Tam.
			Nguyen, Tam Minh.
			Nguyen, Tam Thanh.
			Nguyen, Tam V.
			Nguyen, Tam Van.
			Nguyen, Tan.
			Nguyen, Ten Tan.
			Nguyen, Thach.
			Nguyen, Thang.
			Nguyen, Thanh.
			Nguyen, Thanh.
			Nguyen, Thanh.
			Nguyen, Thanh Phuc.
			Nguyen, Thanh V.
			Nguyen, Thanh Van.
			Nguyen, Thanh Van.
			Nguyen, Thanh Van.
			Nguyen, Thanh Van.
			Nguyen, Thao.
			Nguyen, Thi Bich Hang.
			Nguyen, Thiet.
			Nguyen, Thiet.
			Nguyen, Tho Duke.
			Nguyen, Thoa D.
			Nguyen, Thoa Thi.
			Nguyen, Thomas.
			Nguyen, Thu.
			Nguyen, Thu and Rose.
			Nguyen, Thu Duc.
			Nguyen, Thu Van.
			Nguyen, Thuan.
			Nguyen, Thuan.
			Nguyen, Thuong.
			Nguyen, Thuong Van.
			Nguyen, Thuy.
			Nguyen, Thuyen.
			Nguyen, Thuyen.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nguyen, Tinh.
			Nguyen, Tinh Van.
			Nguyen, Toan.
			Nguyen, Toan Van.
			Nguyen, Tommy.
			Nguyen, Tony.
			Nguyen, Tony.
			Nguyen, Tony.
			Nguyen, Tony D.
			Nguyen, Tony Hong.
			Nguyen, Tony Si.
			Nguyen, Tra.
			Nguyen, Tra.
			Nguyen, Tracy T.
			Nguyen, Tri D.
			Nguyen, Trich Van.
			Nguyen, Trung Van.
			Nguyen, Tu Van.
			Nguyen, Tuan.
			Nguyen, Tuan A.
			Nguyen, Tuan H.
			Nguyen, Tuan Ngoc.
			Nguyen, Tuan Q.
			Nguyen, Tuan Van.
			Nguyen, Tung.
			Nguyen, Tuyen Duc.
			Nguyen, Tuyen Van.
			Nguyen, Ty and Ngoc Ngo.
			Nguyen, Van H.
			Nguyen, Van Loi.
			Nguyen, Vang Van.
			Nguyen, Viet.
			Nguyen, Viet.
			Nguyen, Viet V.
			Nguyen, Viet Van.
			Nguyen, Vinh Van.
			Nguyen, Vinh Van.
			Nguyen, Vinh Van.
			Nguyen, VT.
			Nguyen, Vu Minh.
			Nguyen, Vu T.
			Nguyen, Vu Xuan.
			Nguyen, Vui.
			Nguyen, Vuong V.
			Nguyen, Xuong Kim.
			Nhan, Tran Quoc.
			Nhon, Seri.
			Nichols, Steve Anna.
			Nicholson, Gary.
			Nixon, Leonard.
			Noble, Earl.
			Noland, Terrel W.
			Normand, Timothy.
			Norris, Candace P.
			Norris, John A.
			Norris, Kenneth L.
			Norris, Kevin J.
			Nowell, James E.
			Noy, Phen.
			Nunez, Conrad.
			Nunez, Jody.
			Nunez, Joseph Paul.
			Nunez, Randy.
			Nunez, Wade Joseph.
			Nyuyen, Toan.
			Oberling, Darryl.
			O'Blance, Adam.
			O'Brien, Gary S.
			O'Brien, Mark.
			O'Brien, Michele.
			Ogden, John M.
			Oglesby, Henry.
			Oglesby, Phyllis.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			O'Gwynn, Michael P Sr.
			Ohmer, Eva G.
			Ohmer, George J.
			Olander, Hazel.
			Olander, Rodney.
			Olander, Roland J.
			Olander, Russell J.
			Olander, Thomas.
			Olano, Kevin.
			Olano, Owen J.
			Olano, Shelby F.
			Olds, Malcolm D Jr.
			Olinde, Wilfred J Jr.
			Oliver, Charles.
			O'Neil, Carey.
			Oracoy, Brad R.
			Orage, Eugene.
			Orlando, Het.
			Oteri, Robert F.
			Oubre, Faron P.
			Oubre, Thomas W.
			Ourks, SokHoms K.
			Owens, Larry E.
			Owens, Sheppard.
			Owens, Timothy.
			Pacaccio, Thomas Jr.
			Padgett, Kenneth J.
			Palmer, Gay Ann P.
			Palmer, John W.
			Palmer, Mack.
			Palmisano, Daniel P.
			Palmisano, Dwayne Jr.
			Palmisano, Kim.
			Palmisano, Larry J.
			Palmisano, Leroy J.
			Palmisano, Robin G.
			Pam, Phuong Bui.
			Parfait, Antoine C Jr.
			Parfait, Jerry Jr.
			Parfait, John C.
			Parfait, Joshua K.
			Parfait, Mary F.
			Parfait, Mary S.
			Parfait, Olden G Jr.
			Parfait, Robert C Jr.
			Parfait, Robert C Sr.
			Parfait, Rodney.
			Parfait, Shane A.
			Parfait, Shelton J.
			Parfait, Timmy J.
			Parker, Clyde A.
			Parker, Franklin L.
			Parker, Paul A.
			Parker, Percy Todd.
			Parks, Daniel Duane.
			Parks, Ellery Doyle Jr.
			Parrett, Joseph D Jr.
			Parria, Danny.
			Parria, Gavin C Sr.
			Parria, Gillis F Jr.
			Parria, Gillis F Sr.
			Parria, Jerry D.
			Parria, Kip G.
			Parria, Lionel J Sr.
			Parria, Louis III.
			Parria, Louis J Sr.
			Parria, Louis Jr.
			Parria, Michael.
			Parria, Ronald.
			Parria, Ross.
			Parria, Troy M.
			Parrish, Charles.
			Parrish, Walter L.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Passmore, Penny.
			Pate, Shane.
			Paterbaugh, Richard.
			Patingo, Roger D.
			Paul, Robert Emmett.
			Payne, John Francis.
			Payne, Stuart.
			Peatross, David A.
			Pelas, James Curtis.
			Pelas, Jeffery.
			Pellegrin, Corey P.
			Pellegrin, Curlynn.
			Pellegrin, James A Jr.
			Pellegrin, Jordey.
			Pellegrin, Karl.
			Pellegrin, Karl J.
			Pellegrin, Randy.
			Pellegrin, Randy Sr.
			Pellegrin, Rodney J Sr.
			Pellegrin, Samuel.
			Pellegrin, Troy Sr.
			Peltier, Clyde.
			Peltier, Rodney J.
			Pena, Bartolo Jr.
			Pena, Israel.
			Pendarvis, Gracie.
			Pennison, Elaine.
			Pennison, Milton G.
			Pequeno, Julius.
			Percle, David P.
			Perez, Allen M.
			Perez, David J.
			Perez, David P.
			Perez, Derek.
			Perez, Edward Jr.
			Perez, Henry Jr.
			Perez, Joe B.
			Perez, Tilden A Jr.
			Perez, Warren A Jr.
			Perez, Warren A Sr.
			Perez, Wesley.
			Perrin, Dale.
			Perrin, David M.
			Perrin, Edward G Sr.
			Perrin, Errol Joseph Jr.
			Perrin, Jerry J.
			Perrin, Kenneth V.
			Perrin, Kevin.
			Perrin, Kline J Sr.
			Perrin, Kurt M.
			Perrin, Michael.
			Perrin, Michael A.
			Perrin, Murphy P.
			Perrin, Nelson C Jr.
			Perrin, Pershing J Jr.
			Perrin, Robert.
			Perrin, Tim J.
			Perrin, Tony.
			Persohn, William T.
			Peshoff, Kirk Lynn.
			Pete, Alfred F Jr.
			Pete, Alfred F Sr.
			Pfleeger, William A.
			Pham, An V.
			Pham, Anh My.
			Pham, Bob.
			Pham, Cho.
			Pham, Cindy.
			Pham, David.
			Pham, Dung.
			Pham, Dung Phuoc.
			Pham, Dung Phuoc.
			Pham, Duong Van.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Pham, Gai.
			Pham, Hai.
			Pham, Hai Hong.
			Pham, Hien.
			Pham, Hien C.
			Pham, Hiep.
			Pham, Hieu.
			Pham, Huan Van.
			Pham, Hung.
			Pham, Hung V.
			Pham, Hung V.
			Pham, Huynh.
			Pham, John.
			Pham, Johnny.
			Pham, Joseph S.
			Pham, Kannin.
			Pham, Nga T.
			Pham, Nhung T.
			Pham, Osmond.
			Pham, Paul P.
			Pham, Phong-Thanh.
			Pham, Phung.
			Pham, Quoc V.
			Pham, Steve Ban.
			Pham, Steve V.
			Pham, Thai Van.
			Pham, Thai Van.
			Pham, Thanh.
			Pham, Thanh.
			Pham, Thanh V.
			Pham, Thinh.
			Pham, Thinh V.
			Pham, Tommy V.
			Pham, Tran and Thu Quang.
			Pham, Ut Van.
			Phan, Anh Thi.
			Phan, Banh Van.
			Phan, Cong Van.
			Phan, Dan T.
			Phan, Hoang.
			Phan, Hung Thanh.
			Phan, Johnny.
			Phan, Lam.
			Phan, Luyen Van.
			Phan, Nam V.
			Phan, Thong.
			Phan, Tien V.
			Phan, Toan.
			Phan, Tu Van.
			Phat, Lam Mau.
			Phelps, John D.
			Phillips, Bruce A.
			Phillips, Danny D.
			Phillips, Gary.
			Phillips, Harry Louis.
			Phillips, James C Jr.
			Phillips, Kristrina W.
			Phipps, AW.
			Phonthaasa, Khaolop.
			Phorn, Phen.
			Pickett, Kathy.
			Picou, Calvin Jr.
			Picou, Gary M.
			Picou, Jennifer.
			Picou, Jerome J.
			Picou, Jordan J.
			Picou, Randy John.
			Picou, Ricky Sr.
			Picou, Terry.
			Pierce, Aaron.
			Pierce, Dean.
			Pierce, Elwood.
			Pierce, Imogene.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Pierce, Stanley.
			Pierce, Taffie Boone.
			Pierre, Ivy.
			Pierre, Joseph.
			Pierre, Joseph C Jr.
			Pierre, Paul J.
			Pierre, Ronald J.
			Pierron, Jake.
			Pierron, Patsy H.
			Pierron, Roger D.
			Pinell, Ernie A.
			Pinell, Harry J Jr.
			Pinell, Jody J.
			Pinell, Randall James.
			Pinnell, Richard J.
			Pinnell, Robert.
			Pitre, Benton J.
			Pitre, Carol.
			Pitre, Claude A Sr.
			Pitre, Elrod.
			Pitre, Emily B.
			Pitre, Glenn P.
			Pitre, Herbert.
			Pitre, Jeannie.
			Pitre, Leo P.
			Pitre, Robert Jr.
			Pitre, Robin.
			Pitre, Ryan P.
			Pitre, Ted J.
			Pittman, Roger.
			Pizani, Bonnie.
			Pizani, Craig.
			Pizani, Jane.
			Pizani, Terrill J.
			Pizani, Terry M.
			Pizani, Terry M Jr.
			Plaisance, Arthur E.
			Plaisance, Burgess.
			Plaisance, Darren.
			Plaisance, Dean J Sr.
			Plaisance, Dorothy B.
			Plaisance, Dwayne.
			Plaisance, Earl J Jr.
			Plaisance, Errance H.
			Plaisance, Evans P.
			Plaisance, Eves A III.
			Plaisance, Gideons.
			Plaisance, Gillis S.
			Plaisance, Henry A Jr.
			Plaisance, Jacob.
			Plaisance, Jimmie J.
			Plaisance, Joyce.
			Plaisance, Keith.
			Plaisance, Ken G.
			Plaisance, Lawrence J.
			Plaisance, Lucien Jr.
			Plaisance, Peter A Sr.
			Plaisance, Peter Jr.
			Plaisance, Richard J.
			Plaisance, Russel P.
			Plaisance, Russell P Sr.
			Plaisance, Thomas.
			Plaisance, Thomas J.
			Plaisance, Wayne P.
			Plaisance, Whitney III.
			Plork, Phan.
			Poche, Glenn J Jr.
			Poche, Glenn J Sr.
			Pockrus, Gerald.
			Poiencot, Russell Jr.
			Poillion, Charles A.
			Polito, Gerald.
			Polkey, Gary J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Polkey, Richard R Jr.
			Polkey, Ronald.
			Polkey, Shawn Michael.
			Pollet, Lionel J Sr.
			Pomgoria, Mario.
			Ponce, Ben.
			Ponce, Lewis B.
			Poon, Raymond.
			Pope, Robert.
			Popham, Winford A.
			Poppell, David M.
			Porche, Ricky J.
			Portier, Bobby.
			Portier, Chad.
			Portier, Corinne L.
			Portier, Penelope J.
			Portier, Robbie.
			Portier, Russel A Sr.
			Portier, Russell.
			Potter, Hubert Edward Jr.
			Potter, Robert D.
			Potter, Robert J.
			Pounds, Terry Wayne.
			Powers, Clyde T.
			Prejean, Dennis J.
			Price, Carl.
			Price, Curtis.
			Price, Edwin J.
			Price, Franklin J.
			Price, George J Sr.
			Price, Norris J Sr.
			Price, Steve J Jr.
			Price, Timmy T.
			Price, Wade J.
			Price, Warren J.
			Prihoda, Steve.
			Primeaux, Scott.
			Pritchard, Dixie J.
			Pritchard, James Ross Jr.
			Prosperie, Claude J Jr.
			Prosperie, Myron.
			Prout, Rollen.
			Prout, Sharonski K.
			Prum, Thou.
			Pugh, Charles D Jr.
			Pugh, Charles Sr.
			Pugh, Cody.
			Pugh, Deanna.
			Pugh, Donald.
			Pugh, Nickolas.
			Punch, Alvin Jr.
			Punch, Donald J.
			Punch, Todd M.
			Punch, Travis J.
			Purata, Maria.
			Purse, Emil.
			Purvis, George.
			Quach, Duc.
			Quach, James D.
			Quach, Joe.
			Quach, Si Tan.
			Quinn, Dora M.
			Racca, Charles.
			Racine, Sylvan P Jr.
			Radulic, Igor.
			Ragas, Albert G.
			Ragas, Gene.
			Ragas, John D.
			Ragas, Jonathan.
			Ragas, Richard A.
			Ragas, Ronda S.
			Ralph, Lester B.
			Ramirez, Alfred J Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Randazzo, John A Jr.
			Randazzo, Rick A.
			Rando, Stanley D.
			Ranko, Ellis Gerald.
			Rapp, Dwayne.
			Rapp, Leroy and Sedonia.
			Rawlings, John H Sr.
			Rawlings, Ralph E.
			Rawls, Norman E.
			Ray, Leo.
			Ray, William C Jr.
			Raynor, Steven Earl.
			Readenour, Kelty O.
			Reagan, Roy.
			Reason, Patrick W.
			Reaux, Paul S Sr.
			Reaves, Craig A.
			Reaves, Laten.
			Rebert, Paul J Sr.
			Rebert, Steve M Jr.
			Rebstock, Charles.
			Recter, Lance Jr.
			Rector, Warren L.
			Redden, Yvonne.
			Regnier, Leoncea B.
			Remondet, Garland Jr.
			Renard, Lanny.
			Reno, Edward.
			Reno, George C.
			Reno, George H.
			Reno, George T.
			Reno, Harry.
			Revell, Ben David.
			Reyes, Carlton.
			Reyes, Dwight D Sr.
			Reynon, Marcello Jr.
			Rhodes, Randolph N.
			Rhoto, Christopher L.
			Ribardi, Frank A.
			Rich, Wanda Heafner.
			Richard, Bruce J.
			Richard, David L.
			Richard, Edgar J.
			Richard, James Ray.
			Richard, Melissa.
			Richard, Randall K.
			Richardson, James T.
			Richert, Daniel E.
			Richo, Earl Sr.
			Richoux, Dudley Donald Jr.
			Richoux, Irvin J Jr.
			Richoux, Judy.
			Richoux, Larry.
			Richoux, Mary A.
			Riego, Raymond A.
			Riffle, Josiah B.
			Rigaud, Randall Ryan.
			Riggs, Jeffrey B.
			Riley, Jackie Sr.
			Riley, Raymond.
			Rinkus, Anthony J III.
			Rios, Amado.
			Ripp, Norris M.
			Robbins, Tony.
			Robert, Dan S.
			Roberts, Michael A.
			Robertson, Kevin.
			Robeson, Richard S Jr.
			Robichaux, Craig J.
			Robin, Alvin G.
			Robin, Cary Joseph.
			Robin, Charles R III.
			Robin, Danny J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Robin, Donald.
			Robin, Floyd A.
			Robin, Kenneth J Sr.
			Robin, Ricky R.
			Robinson, Johnson P III.
			Robinson, Walter.
			Roccaforte, Clay.
			Rodi, Dominick R.
			Rodi, Rhonda.
			Rodrigue, Brent J.
			Rodrigue, Carrol Sr.
			Rodrigue, Glenn.
			Rodrigue, Lerlene.
			Rodrigue, Reggie Sr.
			Rodrigue, Sonya.
			Rodrigue, Wayne.
			Rodriguez, Barry.
			Rodriguez, Charles V Sr.
			Rodriguez, Gregory.
			Rodriguez, Jesus.
			Rodriguez, Joseph C Jr.
			Roeum, Orn.
			Rogers, Barry David.
			Rogers, Chad.
			Rogers, Chad M.
			Rogers, Kevin J.
			Rogers, Nathan J.
			Rojas, Carlton J Sr.
			Rojas, Curtis Sr.
			Rojas, Dennis J Jr.
			Rojas, Dennis J Sr.
			Rojas, Gordon V.
			Rojas, Kerry D.
			Rojas, Kerry D Jr.
			Rojas, Randy J Sr.
			Rojas, Raymond J Jr.
			Roland, Brad.
			Roland, Mathias C.
			Roland, Vincent.
			Rollins, Theresa.
			Rollo, Wayne A.
			Rome, Victor J IV.
			Romero, D H.
			Romero, Kardel J.
			Romero, Norman.
			Romero, Philip J.
			Ronquille, Glenn.
			Ronquille, Norman C.
			Ronquillo, Earl.
			Ronquillo, Richard J.
			Ronquillo, Timothy.
			Roseburrough, Charles R Jr.
			Ross, Dorothy.
			Ross, Edward Danny Jr.
			Ross, Leo L.
			Ross, Robert A.
			Roth, Joseph F Jr.
			Roth, Joseph M Jr.
			Rotolo, Carolyn.
			Rotolo, Feliz.
			Rouse, Jimmy.
			Roussel, Michael D Jr.
			Roy, Henry Lee Jr.
			Rudolph, Chad A.
			Ruiz, Donald W.
			Ruiz, James L.
			Ruiz, Paul E.
			Ruiz, Paul R.
			Russell, Bentley R.
			Russell, Casey.
			Russell, Daniel.
			Russell, James III.
			Russell, Julie Ann.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Russell, Michael J.
			Russell, Nicholas M.
			Russell, Paul.
			Rustick, Kenneth.
			Ruttley, Adrian K.
			Ruttley, Ernest T Jr.
			Ruttley, JT.
			Ryan, James C Sr.
			Rybiski, Rhebb R.
			Ryder, Luther V.
			Sadler, Stewart.
			Sagnes, Everett.
			Saha, Amanda K.
			Saling, Don M.
			Saltalamacchia, Preston J.
			Saltalamacchia, Sue A.
			Salvato, Lawrence Jr.
			Samanie, Caroll J.
			Samanie, Frank J.
			Samsome, Don.
			Sanamo, Troy P.
			Sanchez, Augustine.
			Sanchez, Jeffery A.
			Sanchez, Juan.
			Sanchez, Robert A.
			Sanders, William Shannon.
			Sandras, R J.
			Sandras, R J Jr.
			Sandrock, Roy R III.
			Santini, Lindberg W Jr.
			Santiny, James.
			Santiny, Patrick.
			Sapia, Carroll J Jr.
			Sapia, Eddie J Jr.
			Sapia, Willard.
			Saturday, Michael Rance.
			Sauce, Carlton Joseph.
			Sauce, Joseph C Jr.
			Saucier, Houston J.
			Sauls, Russell.
			Savage, Malcolm H.
			Savant, Raymond.
			Savoie, Allen.
			Savoie, Brent T.
			Savoie, James.
			Savoie, Merlin F Jr.
			Savoie, Reginald M II.
			Sawyer, Gerald.
			Sawyer, Rodney.
			Scarabin, Clifford.
			Scarabin, Michael J.
			Schaffer, Kelly.
			Schaubhut, Curry A.
			Schellinger, Lester B Jr.
			Schexnaydre, Michael.
			Schirmer, Robert Jr.
			Schjott, Joseph J Sr.
			Schlindwein, Henry.
			Schmit, Paul A Jr.
			Schmit, Paul A Sr.
			Schmit, Victor J Jr.
			Schouest, Ellis J III.
			Schouest, Ellis Jr.
			Schouest, Juston.
			Schouest, Mark.
			Schouest, Noel.
			Schrimpf, Robert H Jr.
			Schultz, Troy A.
			Schwartz, Sidney.
			Scott, Aaron J.
			Scott, Audie B.
			Scott, James E III.
			Scott, Milford P.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Scott, Paul.
			Seabrook, Terry G.
			Seal, Charles T.
			Seal, Joseph G.
			Seaman, Garry.
			Seaman, Greg.
			Seaman, Ollie L Jr.
			Seaman, Ollie L Sr.
			Seang, Meng.
			Sehon, Robert Craig.
			Sekul, Morris G.
			Sekul, S George.
			Sellers, Isaac Charles.
			Seng, Sophan.
			Serigne, Adam R.
			Serigne, Elizabeth.
			Serigne, James J III.
			Serigne, Kimmie J.
			Serigne, Lisa M.
			Serigne, Neil.
			Serigne, O'Neil N.
			Serigne, Richard J Sr.
			Serigne, Rickey N.
			Serigne, Ronald Raymond.
			Serigne, Ronald Roch.
			Serigne, Ross.
			Serigny, Gail.
			Serigny, Wayne A.
			Serpas, Lenny Jr.
			Sessions, William O III.
			Sessions, William O Jr.
			Sevel, Michael D.
			Sevin, Carl Anthony.
			Sevin, Earline.
			Sevin, Janell A.
			Sevin, Joey.
			Sevin, Nac J.
			Sevin, O'Neil and Symantha.
			Sevin, Phillip T.
			Sevin, Shane.
			Sevin, Shane Anthony.
			Sevin, Stanley J.
			Sevin, Willis.
			Seymour, Janet A.
			Shackelford, David M.
			Shaffer, Curtis E.
			Shaffer, Glynnon D.
			Shay, Daniel A.
			Shilling, Jason.
			Shilling, L E.
			Shugars, Robert L.
			Shutt, Randy.
			Sifuentes, Esteban.
			Sifuentes, Fernando.
			Silver, Curtis A Jr.
			Simon, Curnis.
			Simon, John.
			Simon, Leo.
			Simpson, Mark.
			Sims, Donald L.
			Sims, Mike.
			Singley, Charlie Sr.
			Singley, Glenn.
			Singley, Robert Joseph.
			Sirgo, Jace.
			Sisung, Walter.
			Sisung, Walter Jr.
			Skinner, Gary M Sr.
			Skinner, Richard.
			Skipper, Malcolm W.
			Skrmetta, Martin J.
			Smelker, Brian H.
			Smith, Brian.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Smith, Carl R Jr.
			Smith, Clark W.
			Smith, Danny.
			Smith, Danny M Jr.
			Smith, Donna.
			Smith, Elmer T Jr.
			Smith, Glenda F.
			Smith, James E.
			Smith, Margie T.
			Smith, Mark A.
			Smith, Nancy F.
			Smith, Raymond C Sr.
			Smith, Tim.
			Smith, Walter M Jr.
			Smith, William T.
			Smithwick, Ted Wayne.
			Smoak, Bill.
			Smoak, William W III.
			Snell, Erick.
			Snodgrass, Sam.
			Soeung, Phat.
			Soileau, John C Sr.
			Sok, Kheng.
			Sok, Montha.
			Sok, Nhip.
			Solet, Darren.
			Solet, Donald M.
			Solet, Joseph R.
			Solet, Raymond J.
			Solorzano, Marilyn.
			Son, Kim.
			Son, Sam Nang.
			Son, Samay.
			Son, Thuong Cong.
			Soprano, Daniel.
			Sork, William.
			Sou, Mang.
			Soudelier, Louis Jr.
			Soudelier, Shannon.
			Sour, Yem Kim.
			Southerland, Robert.
			Speir, Barbara Kay.
			Spell, Jeffrey B.
			Spell, Mark A.
			Spellmeyer, Joel F Sr.
			Spencer, Casey.
			Spiers, Donald A.
			Sprinkle, Avery M.
			Sprinkle, Emery Shelton Jr.
			Sprinkle, Joseph Warren.
			Squarsich, Kenneth J.
			Sreiy, Siphan.
			St Amant, Dana A.
			St Ann, Mr and Mrs Jerome K.
			St Pierre, Darren.
			St Pierre, Scott A.
			Staves, Patrick.
			Stechmann, Chad.
			Stechmann, Karl J.
			Stechmann, Todd.
			Steele, Arnold D Jr.
			Steele, Henry H III.
			Steen, Carl L.
			Steen, James D.
			Steen, Kathy G.
			Stein, Norris J Jr.
			Stelly, Adlar.
			Stelly, Carl A.
			Stelly, Chad P.
			Stelly, Delores.
			Stelly, Sandrus J Sr.
			Stelly, Sandrus Jr.
			Stelly, Toby J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Stelly, Veronica G.
			Stelly, Warren.
			Stephenson, Louis.
			Stevens, Alvin.
			Stevens, Curtis D.
			Stevens, Donald.
			Stevens, Glenda.
			Stewart, Chester Jr.
			Stewart, Derald.
			Stewart, Derek.
			Stewart, Fred.
			Stewart, Jason F.
			Stewart, Ronald G.
			Stewart, William C.
			Stiffler, Thanh.
			Stipelcovich, Lawrence L.
			Stipelcovich, Todd J.
			Stockfett, Brenda.
			Stokes, Todd.
			Stone-Rinkus, Pamela.
			Strader, Steven R.
			Strickland, Kenneth.
			Strickland, Rita G.
			Stuart, James Vernon.
			Stutes, Rex E.
			Sulak, Billy W.
			Sun, Hong Sreng.
			Surmik, Donald D.
			Swindell, Keith M.
			Sylve, Dennis A.
			Sylve, James L.
			Sylve, Nathan.
			Sylve, Scott.
			Sylvesr, Paul A.
			Ta, Ba Van.
			Ta, Chris.
			Tabb, Calvin.
			Taliancich, Andrew.
			Taliancich, Ivan.
			Taliancich, Joseph M.
			Taliancich, Srecka.
			Tan, Ho Dung.
			Tan, Hung.
			Tan, Lan T.
			Tan, Ngo The.
			Tang, Thanh.
			Tanner, Robert Charles.
			Taravella, Raymond.
			Tassin, Alton J.
			Tassin, Keith P.
			Tate, Archie P.
			Tate, Terrell.
			Tauzier, Kevin M.
			Taylor, Doyle L.
			Taylor, Herman R.
			Taylor, Herman R Jr.
			Taylor, J P Jr.
			Taylor, John C.
			Taylor, Leander J Sr.
			Taylor, Leo Jr.
			Taylor, Lewis.
			Taylor, Nathan L.
			Taylor, Robert L.
			Taylor, Robert M.
			Teap, Phal.
			Tek, Heng.
			Templat, Paul.
			Terluin, John L III.
			Terrebonne, Adrein Scott.
			Terrebonne, Alphonse J.
			Terrebonne, Alton S Jr.
			Terrebonne, Alton S Sr.
			Terrebonne, Carol.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Terrebonne, Carroll.
			Terrebonne, Chad.
			Terrebonne, Chad Sr.
			Terrebonne, Daniel J.
			Terrebonne, Donavon J.
			Terrebonne, Gary J Sr.
			Terrebonne, Jimmy Jr.
			Terrebonne, Jimmy Sr.
			Terrebonne, Kline A.
			Terrebonne, Lanny.
			Terrebonne, Larry F Jr.
			Terrebonne, Scott.
			Terrebonne, Steven.
			Terrebonne, Steven.
			Terrebonne, Toby J.
			Terrel, Chad J Sr.
			Terrell, C Todd.
			Terrio, Brandon James.
			Terrio, Harvey J Jr.
			Terry, Eloise P.
			Tesvich, Kuzma D.
			Thac, Dang Van.
			Thach, Phuong.
			Thai, Huynh Tan.
			Thai, Paul.
			Thai, Thomas.
			Thanh, Thien.
			Tharpe, Jack.
			Theriot, Anthony.
			Theriot, Carroll A Jr.
			Theriot, Clay J Jr.
			Theriot, Craig A.
			Theriot, Dean P.
			Theriot, Donnie.
			Theriot, Jeffery C.
			Theriot, Larry J.
			Theriot, Lynn.
			Theriot, Mark A.
			Theriot, Roland P Jr.
			Theriot, Wanda J.
			Thibodaux, Jared.
			Thibodeaux, Bart James.
			Thibodeaux, Brian A.
			Thibodeaux, Brian M.
			Thibodeaux, Calvin A Jr.
			Thibodeaux, Fay F.
			Thibodeaux, Glenn P.
			Thibodeaux, Jeffrey.
			Thibodeaux, Jonathan.
			Thibodeaux, Josephine.
			Thibodeaux, Keith.
			Thibodeaux, Tony J.
			Thibodeaux, Warren J.
			Thidobaux, James V Sr.
			Thiet, Tran.
			Thomas, Alvin.
			Thomas, Brent.
			Thomas, Dally S.
			Thomas, Janie G.
			Thomas, John Richard.
			Thomas, Kenneth Ward.
			Thomas, Monica P.
			Thomas, Ralph L Jr.
			Thomas, Ralph Lee Jr.
			Thomas, Randall.
			Thomas, Robert W.
			Thomas, Willard N Jr.
			Thomassie, Gerard.
			Thomassie, Nathan A.
			Thomassie, Philip A.
			Thomassie, Ronald J.
			Thomassie, Tracy Joseph.
			Thompson, Bobbie.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Thompson, David W.
			Thompson, Edwin A.
			Thompson, George.
			Thompson, James D Jr.
			Thompson, James Jr.
			Thompson, John E.
			Thompson, John R.
			Thompson, Randall.
			Thompson, Sammy.
			Thompson, Shawn.
			Thong, R.
			Thonn, John J Jr.
			Thonn, Victor J.
			Thorpe, Robert Lee Jr.
			Thurman, Charles E.
			Tiet, Thanh Duc.
			Tilghman, Gene E.
			Tillett, Billy Carl.
			Tillman, Lewis A Jr.
			Tillman, Timothy P and Yvonne M.
			Tillotson, Pat.
			Tinney, Mark A.
			Tisdale, Georgia W.
			Tiser, Oscar.
			Tiser, Thomas C Jr.
			Tiser, Thomas C Sr.
			To, Cang Van.
			To, Du Van.
			Todd, Fred Noel.
			Todd, Patricia J.
			Todd, Rebecca G.
			Todd, Robert C and Patricia J.
			Todd, Vonnie Frank Jr.
			Tompkins, Gerald Paul II.
			Toney, George Jr.
			Tong, Hai V.
			Tony, Linh C.
			Toomer, Christina Abbott.
			Toomer, Christy.
			Toomer, Frank G Jr.
			Toomer, Jeffrey E.
			Toomer, Kenneth.
			Toomer, Lamar K.
			Toomer, Larry Curtis and Tina.
			Toomer, William Kemp.
			Torrible, David P.
			Torrible, Jason.
			Touchard, Anthony H.
			Touchard, John B Jr.
			Touchard, Paul V Jr.
			Touchet, Eldridge III.
			Touchet, Eldridge Jr.
			Toups, Anthony G.
			Toups, Bryan.
			Toups, Jeff.
			Toups, Jimmie J.
			Toups, Kim.
			Toups, Manuel.
			Toups, Ted.
			Toups, Tommy.
			Toureau, James.
			Tower, H Melvin.
			Townsend, Harmon Lynn.
			Townsend, Marion Brooks.
			Tra, Hop T.
			Trabeau, James D.
			Trahan, Allen A Jr.
			Trahan, Alvin Jr.
			Trahan, Druby.
			Trahan, Dudley.
			Trahan, Elie J.
			Trahan, Eric J.
			Trahan, James.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Trahan, Karen C.
			Trahan, Lynn P Sr.
			Trahan, Ricky.
			Trahan, Ronald J.
			Trahan, Tracey L.
			Trahan, Wayne Paul.
			Tran, Allen Hai.
			Tran, Andana.
			Tran, Anh.
			Tran, Anh.
			Tran, Anh N.
			Tran, Bay V.
			Tran, Bay Van.
			Tran, Binh.
			Tran, Binh Van.
			Tran, Ca Van.
			Tran, Cam Van.
			Tran, Chau V.
			Tran, Chau Van.
			Tran, Chau Van.
			Tran, Chi T.
			Tran, Christina Phuong.
			Tran, Chu V.
			Tran, Cuong.
			Tran, Cuong.
			Tran, Danny Duc.
			Tran, Den.
			Tran, Dien.
			Tran, Dinh M.
			Tran, Dinh Q.
			Tran, Doan.
			Tran, Dung Van.
			Tran, Duoc.
			Tran, Duoc.
			Tran, Duong.
			Tran, Eric.
			Tran, Francis.
			Tran, Francis.
			Tran, Giang.
			Tran, Giao.
			Tran, Ha Mike.
			Tran, Hai.
			Tran, Hien H.
			Tran, Hiep Phuoc.
			Tran, Hieu.
			Tran, Hoa.
			Tran, Hoa.
			Tran, Hue T.
			Tran, Huey.
			Tran, Hung.
			Tran, Hung.
			Tran, Hung.
			Tran, Hung P.
			Tran, Hung Van.
			Tran, Hung Van.
			Tran, Hung Viet.
			Tran, James N.
			Tran, John.
			Tran, Johnny Dinh.
			Tran, Joseph.
			Tran, Joseph T.
			Tran, Khan Van.
			Tran, Khanh.
			Tran, Kim.
			Tran, Kim Chi Thi.
			Tran, Lan Tina.
			Tran, Le and Phat Le.
			Tran, Leo Van.
			Tran, Loan.
			Tran, Long.
			Tran, Long Van.
			Tran, Luu Van.
			Tran, Ly.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Tran, Ly Van.
			Tran, Mai Thi.
			Tran, Mary.
			Tran, Miel Van.
			Tran, Mien.
			Tran, Mike.
			Tran, Mike Dai.
			Tran, Minh Huu.
			Tran, Muoi.
			Tran, My T.
			Tran, Nam Van.
			Tran, Nang Van.
			Tran, Nghia and T Le Banh.
			Tran, Ngoc.
			Tran, Nhanh Van.
			Tran, Nhieu T.
			Tran, Nhieu Van.
			Tran, Nho.
			Tran, Peter.
			Tran, Phu Van.
			Tran, Phuc D.
			Tran, Phuc V.
			Tran, Phung.
			Tran, Quan Van.
			Tran, Quang Quang.
			Tran, Quang T.
			Tran, Quang Van.
			Tran, Qui V.
			Tran, Quy Van.
			Tran, Ran Van.
			Tran, Sarah T.
			Tran, Sau.
			Tran, Scotty.
			Tran, Son.
			Tran, Son Van.
			Tran, Steven Tuan.
			Tran, Tam.
			Tran, Te Van.
			Tran, Than.
			Tran, Thang Van.
			Tran, Thanh.
			Tran, Thanh.
			Tran, Thanh Van.
			Tran, Theresa.
			Tran, Thi.
			Tran, Thich Van.
			Tran, Thien.
			Tran, Thien Van.
			Tran, Thiet.
			Tran, Tommy.
			Tran, Tony.
			Tran, Tri.
			Tran, Trinh.
			Tran, Trung.
			Tran, Trung Van.
			Tran, Tu.
			Tran, Tuan.
			Tran, Tuan.
			Tran, Tuan Minh.
			Tran, Tuong Van.
			Tran, Tuyet Thi.
			Tran, Van T.
			Tran, Victor.
			Tran, Vinh.
			Tran, Vinh Q.
			Tran, Vinh Q.
			Tran, Vui Kim.
			Trang, Tan.
			Trapp, Tommy.
			Treadaway, Michael.
			Tregle, Curtis.
			Treloar, William Paul.
			Treuil, Gary J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Trevino, Manuel.
			Treybig, E H "Buddy" Jr.
			Triche, Donald G.
			Trieu, Hiep and Jackie.
			Trieu, Hung Hoa.
			Trieu, Jasmine and Ly.
			Trieu, Lorie and Tam.
			Trieu, Tam.
			Trinh, Christopher B.
			Trinh, Philip P.
			Trosclair, Clark K.
			Trosclair, Clark P.
			Trosclair, Eugene P.
			Trosclair, James J.
			Trosclair, Jerome.
			Trosclair, Joseph.
			Trosclair, Lori.
			Trosclair, Louis V.
			Trosclair, Patricia.
			Trosclair, Randy.
			Trosclair, Ricky.
			Trosclair, Wallace Sr.
			Truong, Andre.
			Truong, Andre V.
			Truong, Be Van.
			Truong, Benjamin.
			Truong, Dac.
			Truong, Huan.
			Truong, Kim.
			Truong, Nhut Van.
			Truong, Steve.
			Truong, Tham T.
			Truong, Thanh Minh.
			Truong, Them Van.
			Truong, Thom.
			Truong, Timmy.
			Trutt, George W Sr.
			Trutt, Wanda.
			Turlich, Mervin A.
			Turner, Calvin L.
			Tyre, John.
			Upton, Terry R.
			Valentino, J G Jr.
			Valentino, James.
			Vallot, Christopher A.
			Vallot, Nancy H.
			Valure, Hugh P.
			Van Alsburg, Charles.
			Van Gordstnoven, Jean J.
			Van Nguyen, Irving.
			Van, Than.
			Van, Vui.
			Vanacor, Kathy D.
			Vanacor, Malcolm J Sr.
			Vanicor, Bobbie.
			VanMeter, Matthew T.
			VanMeter, William Earl.
			Varney, Randy L.
			Vath, Raymond S.
			Veasel, William E III.
			Vegas, Brien J.
			Vegas, Percy J.
			Vegas, Terry J.
			Vegas, Terry J Jr.
			Vegas, Terry Jr.
			Vela, Peter.
			Verdin, Aaron.
			Verdin, Av.
			Verdin, Bradley J.
			Verdin, Brent A.
			Verdin, Charles A.
			Verdin, Charles E.
			Verdin, Coy P.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Verdin, Curtis A Jr.
			Verdin, Delphine.
			Verdin, Diana A.
			Verdin, Ebro W.
			Verdin, Eric P.
			Verdin, Ernest Joseph Sr.
			Verdin, Jeff C.
			Verdin, Jeffrey A.
			Verdin, Jessie J.
			Verdin, John P.
			Verdin, Joseph.
			Verdin, Joseph A Jr.
			Verdin, Joseph Cleveland.
			Verdin, Joseph D Jr.
			Verdin, Joseph S.
			Verdin, Joseph W Jr.
			Verdin, Justilien G.
			Verdin, Matthew W Sr.
			Verdin, Michel A.
			Verdin, Paul E.
			Verdin, Perry Anthony.
			Verdin, Rodney.
			Verdin, Rodney P.
			Verdin, Rodney P.
			Verdin, Skylar.
			Verdin, Timmy J.
			Verdin, Toby.
			Verdin, Tommy P.
			Verdin, Tony J.
			Verdin, Troy.
			Verdin, Vincent.
			Verdin, Viness Jr.
			Verdin, Wallace P.
			Verdin, Webb A Sr.
			Verdin, Wesley D Sr.
			Verdine, Jimmy R.
			Vermeulen, Joseph Thomas.
			Verret, Darren L.
			Verret, Donald J.
			Verret, Ernest J Sr.
			Verret, James A.
			Verret, Jean E.
			Verret, Jimmy J Sr.
			Verret, Johnny R.
			Verret, Joseph L.
			Verret, Paul L.
			Verret, Preston.
			Verret, Quincy.
			Verret, Ronald Paul Sr.
			Versaggi, Joseph A.
			Versaggi, Salvatore J.
			Vicknair, Brent J Sr.
			Vicknair, Duane P.
			Vicknair, Henry Dale.
			Vicknair, Ricky A.
			Vidrine, Bill and Kathi.
			Vidrine, Corey.
			Vidrine, Richard.
			Vila, William F.
			Villers, Joseph A.
			Vincent, Gage Tyler.
			Vincent, Gene.
			Vincent, Gene B.
			Vincent, Robert N.
			Vise, Charles E III.
			Vizier, Barry A.
			Vizier, Christopher.
			Vizier, Clovis J III.
			Vizier, Douglas M.
			Vizier, Tommie Jr.
			Vo, Anh M.
			Vo, Chin Van.
			Vo, Dam.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Vo, Dan M.
			Vo, Dany.
			Vo, Day V.
			Vo, Duong V.
			Vo, Dustin.
			Vo, Hai Van.
			Vo, Hanh Xuan.
			Vo, Hien Van.
			Vo, Hoang The.
			Vo, Hong.
			Vo, Hung Thanh.
			Vo, Huy K.
			Vo, Johnny.
			Vo, Kent.
			Vo, Lien Van.
			Vo, Man.
			Vo, Mark Van.
			Vo, Minh Hung.
			Vo, Minh Ngoc.
			Vo, Minh Ray.
			Vo, Mong V.
			Vo, My Dung Thi.
			Vo, My Lynn.
			Vo, Nga.
			Vo, Nhon Tai.
			Vo, Nhu Thanh.
			Vo, Quang Minh.
			Vo, Sang M.
			Vo, Sanh M.
			Vo, Song V.
			Vo, Tan Thanh.
			Vo, Tan Thanh.
			Vo, Thanh Van.
			Vo, Thao.
			Vo, Thuan Van.
			Vo, Tien Van.
			Vo, Tom.
			Vo, Tong Ba.
			Vo, Trao Van.
			Vo, Truong.
			Vo, Van Van.
			Vo, Vi Viet.
			Vodopija, Benjamin S.
			Vogt, James L.
			Voisin, Eddie James.
			Voisin, Joyce.
			Voison, Jamie.
			Von Harten, Harold L.
			Vona, Michael A.
			Vongrith, Richard.
			Vossler, Kirk.
			Vu, Hung.
			Vu, John H.
			Vu, Khanh.
			Vu, Khoi Van.
			Vu, Quan Quoc.
			Vu, Ruyen Viet.
			Vu, Sac.
			Vu, Sean.
			Vu, Tam.
			Vu, Thiem Ngoc.
			Vu, Thuy.
			Vu, Tom.
			Vu, Tu Viet.
			Vu, Tuyen Jack.
			Vu, Tuyen Viet.
			Wade, Calvin J Jr.
			Wade, Gerard.
			Waguespack, David M Sr.
			Waguespack, Randy P II.
			Wainwright, Vernon.
			Walker, Jerry.
			Walker, Rogers H.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Wallace, Dennis.
			Wallace, Edward.
			Wallace, John A.
			Wallace, John K.
			Wallace, Trevis L.
			Waller, Jack Jr.
			Waller, John M.
			Waller, Mike.
			Wallis, Craig A.
			Wallis, Keith.
			Walters, Samuel G.
			Walton, Marion M.
			Wannage, Edward Joseph.
			Wannage, Fred Jr.
			Wannage, Frederick W Sr.
			Ward, Clarence Jr.
			Ward, Olan B.
			Ward, Walter M.
			Washington, Clifford.
			Washington, John Emile III.
			Washington, Kevin.
			Washington, Louis N.
			Wattigney, Cecil K Jr.
			Wattigney, Michael.
			Watts, Brandon A.
			Watts, Warren.
			Webb, Bobby.
			Webb, Bobby N.
			Webb, Josie M.
			Webre, Donald.
			Webre, Dudley A.
			Webster, Harold.
			Weeks, Don Franklin.
			Weems, Laddie E.
			Weinstein, Barry C.
			Weiskopf, Rodney.
			Weiskopf, Rodney Sr.
			Weiskopf, Todd.
			Welch, Amos J.
			Wells, Douglas E.
			Wells, Stephen Ray.
			Wendling, Steven W.
			Wescovich, Charles W.
			Wescovich, Wesley Darryl.
			Whatley, William J.
			White, Allen Sr.
			White, Charles.
			White, Charles Fulton.
			White, David L.
			White, Gary Farrell.
			White, James Hugh.
			White, Perry J.
			White, Raymond.
			White, Robert Sr.
			Wicher, John.
			Wiggins, Chad M Sr.
			Wiggins, Ernest.
			Wiggins, Harry L.
			Wiggins, Kenneth A.
			Wiggins, Matthew.
			Wilbur, Gerald Anthony.
			Wilcox, Robert.
			Wiles, Alfred Adam.
			Wiles, Glen Gilbert.
			Wiles, Sonny Joel Sr.
			Wilkerson, Gene Dillard and Judith.
			Wilkinson, William Riley.
			Williams, Allen Jr.
			Williams, Andrew.
			Williams, B Dean.
			Williams, Clyde L.
			Williams, Dale A.
			Williams, Emmett J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Williams, Herman J Jr. Williams, J T. Williams, John A. Williams, Johnny Paul. Williams, Joseph H. Williams, Kirk. Williams, Leopold A. Williams, Mark A. Williams, Mary Ann C. Williams, Melissa A. Williams, Nina. Williams, Oliver Kent. Williams, Parish. Williams, Roberto. Williams, Ronnie. Williams, Scott A. Williams, Steven. Williams, Thomas D. Williamson, Richard L Sr. Willyard, Derek C. Willyard, Donald R. Wilson, Alward. Wilson, Hosea. Wilson, Joe R. Wilson, Jonathan. Wilson, Katherine. Wiltz, Allen. Wing, Melvin. Wiseman, Allen. Wiseman, Clarence J Jr. Wiseman, Jean P. Wiseman, Joseph A. Wiseman, Michael T Jr. Wiseman, Michael T Sr. Wolfe, Charles. Woods, John T III. Wright, Curtis. Wright, Leonard. Wright, Randy D. Yeamans, Douglas. Yeamans, Neil. Yeamans, Ronnie. Yoeuth, Peon. Yopp, Harold. Yopp, Jonathon. Yopp, Milton Thomas. Young, James. Young, Taing. Young, Willie. Yow, Patricia D. Yow, Richard C. Zanca, Anthony V Sr. Zar, Ashley A. Zar, Carl J. Zar, John III. Zar, Steve. Zar, Steven. Zar, Troy A. Zerinque, John S Jr. Zirlott, Curtis. Zirlott, Jason D. Zirlott, Jeremy. Zirlott, Kimberly. Zirlott, Milton. Zirlott, Perry. Zirlott, Rosa H. Zito, Brian C. Zuvich, Michael A Jr. Ad Hoc Shrimp Trade Action Committee. Bryan Fishermens' Co-Op Inc. Louisiana Shrimp Association. South Carolina Shrimpers Association. Vietnamese-American Commerical Fisherman's Union.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			3–G Enterprize dba Griffin's Seafood.
			A & G Trawlers Inc.
			A & T Shrimping.
			A Ford Able Seafood.
			A J Horizon Inc.
			A&M Inc.
			A&R Shrimp Co.
			A&T Shrimping.
			AAH Inc.
			AC Christopher Sea Food Inc.
			Ace of Trade LLC.
			Adriana Corp.
			AJ Boats Inc.
			AJ Horizon Inc.
			AJ's Seafood.
			Alario Inc.
			Alcide J Adams Jr.
			Aldebaran Inc.
			Aldebran Inc.
			Alexander and Dola.
			Alfred Englade Inc.
			Alfred Trawlers Inc.
			Allen Hai Tran dba Kien Giang.
			Al's Shrimp Co.
			Al's Shrimp Co LLC.
			Al's Shrimp Co LLC.
			Al's Whosale & Retail.
			Alton Cheeks.
			Amada Inc.
			Amber Waves.
			Amelia Isle.
			American Beauty.
			American Beauty Inc.
			American Eagle Enterprise Inc.
			American Girl.
			American Seafood.
			Americana Shrimp.
			Amvina II.
			Amvina II.
			Amy D Inc.
			Amy's Seafood Mart.
			An Kit.
			Andy Boy.
			Andy's SFD.
			Angel Annie Inc.
			Angel Leigh.
			Angel Seafood Inc.
			Angela Marie Inc.
			Angela Marie Inc.
			Angelina Inc.
			Anna Grace LLC.
			Anna Grace LLC.
			Annie Thornton Inc.
			Annie Thornton Inc.
			Anthony Boy I.
			Anthony Boy I.
			Anthony Fillinich Sr.
			Apalachee Girl Inc.
			Aparicio Trawlers Inc dba Marcosa.
			Apple Jack Inc.
			Aquila Seafood Inc.
			Aquillard Seafood.
			Argo Marine.
			Arnold's Seafood.
			Arroya Cruz Inc.
			Art & Red Inc.
			Arthur Chisholm.
			A-Seafood Express.
			Ashley Deeb Inc.
			Ashley W 648675.
			Asian Gulf Corp.
			Atlantic.
			Atocha Troy A LeCompte Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Atwood Enterprises.
			B & B Boats Inc.
			B & B Seafood.
			B&J Seafood.
			BaBe Inc.
			Baby Ruth.
			Bailey, David B Sr—Bailey's Seafood.
			Bailey's Seafood of Cameron Inc.
			Bait Inc.
			Bait Inc.
			Baker Shrimp.
			Bama Love Inc.
			Bama Sea Products Inc.
			Bao Hung Inc.
			Bao Hung Inc.
			Bar Shrimp.
			Barbara Brooks Inc.
			Barbara Brooks Inc.
			Barisich Inc.
			Barisich Inc.
			Barnacle-Bill Inc.
			Barney's Bait & Seafood.
			Barrios Seafood.
			Bay Boy.
			Bay Islander Inc.
			Bay Sweeper Nets.
			Baye's Seafood 335654.
			Bayou Bounty Seafood LLC.
			Bayou Caddy Fisheries Inc.
			Bayou Carlin Fisheries.
			Bayou Carlin Fisheries Inc.
			Bayou Shrimp Processors Inc.
			BBC Trawlers Inc.
			BBS Inc.
			Beachcomber Inc.
			Beachcomber Inc.
			Bea's Corp.
			Beecher's Seafood.
			Believer Inc.
			Bennett's Seafood.
			Benny Alexie.
			Bergeron's Seafood.
			Bertileana Corp.
			Best Sea-Pack of Texas Inc.
			Beth Lomonte Inc.
			Beth Lomonte Inc.
			Betty B.
			Betty H Inc.
			Bety Inc.
			BF Millis & Sons Seafood.
			Big Daddy Seafood Inc.
			Big Grapes Inc.
			Big Kev.
			Big Oak Seafood.
			Big Oak Seafood.
			Big Oaks Seafood.
			Big Shrimp Inc.
			Billy J Foret—BJF Inc.
			Billy Sue Inc.
			Billy Sue Inc.
			Biloxi Freezing & Processing.
			Binh Duong.
			BJB LLC.
			Blain & Melissa Inc.
			Blanca Cruz Inc.
			Blanchard & Cheramie Inc.
			Blanchard Seafood.
			Blazing Sun Inc.
			Blazing Sun Inc.
			Blue Water Seafood.
			Bluewater Shrimp Co.
			Bluffton Oyster Co.
			Boat Josey Wales.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Boat Josey Wales LLC.
			Boat Monica Kiff.
			Boat Warrior.
			Bob-Rey Fisheries Inc.
			Bodden Trawlers Inc.
			Bolillo Prieto Inc.
			Bon Secour Boats Inc.
			Bon Secour Fisheries Inc.
			Bon Secur Boats Inc.
			Bonnie Lass Inc.
			Boone Seafood.
			Bosarge Boats.
			Bosarge Boats.
			Bosarge Boats Inc.
			Bottom Verification LLC.
			Bowers Shrimp.
			Bowers Shrimp Farm.
			Bowers Valley Shrimp Inc.
			Brad Friloux.
			Brad Nicole Seafood.
			Bradley John Inc.
			Bradley's Seafood Mkt.
			Brava Cruz Inc.
			Brenda Darlene Inc.
			Brett Anthony.
			Bridgeside Marina.
			Bridgeside Seafood.
			Bridget's Seafood Service Inc.
			Bridget's Seafood Service Inc.
			BRS Seafood.
			BRS Seafood.
			Bruce W Johnson Inc.
			Bubba Daniels Inc.
			Bubba Tower Shrimp Co.
			Buccaneer Shrimp Co.
			Buchmer Inc.
			Buck & Peed Inc.
			Buddy Boy Inc.
			Buddy's Seafood.
			Bumble Bee Seafoods LLC.
			Bumble Bee Seafoods LLC.
			Bundy Seafood.
			Bundy's Seafood.
			Bunny's Shrimp.
			Burgbe Gump Seafood.
			Burnell Trawlers Inc.
			Burnell Trawlers Inc/Mamacita/Swamp Irish.
			Buster Brown Inc.
			By You Seafood.
			C & R Trawlers Inc.
			CA Magwood Enterprises Inc.
			Cajun Queen of LA LLC.
			Calcasien Point Bait N More Inc.
			Cam Ranh Bay.
			Camardelle's Seafood.
			Candy Inc.
			Cao Family Inc.
			Cap Robear.
			Cap'n Bozo Inc.
			Capn Jasper's Seafood Inc.
			Capt Aaron.
			Capt Adam.
			Capt Anthony Inc.
			Capt Bean (Richard A Ragas).
			Capt Beb Inc.
			Capt Bill Jr Inc.
			Capt Brother Inc.
			Capt Bubba.
			Capt Buck.
			Capt Carl.
			Capt Carlos Trawlers Inc.
			Capt Chance Inc.
			Capt Christopher Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Capt Chuckie.
			Capt Craig.
			Capt Craig Inc.
			Capt Crockett Inc.
			Capt Darren Hill Inc.
			Capt Dennis Inc.
			Capt Dickie Inc.
			Capt Dickie V Inc.
			Capt Doug.
			Capt Eddie Inc.
			Capt Edward Inc.
			Capt Eli's.
			Capt Elroy Inc.
			Capt Ernest LLC.
			Capt Ernest LLC.
			Capt GDA Inc.
			Capt George.
			Capt H & P Corp.
			Capt Havey Seafood.
			Capt Henry Seafood Dock.
			Capt Huy.
			Capt JDL Inc.
			Capt Jimmy Inc.
			Capt Joe.
			Capt Johnny II.
			Capt Jonathan.
			Capt Jonathan Inc.
			Capt Joshua Inc.
			Capt Jude 520556 13026.
			Capt Ken.
			Capt Kevin Inc.
			Capt Ko Inc.
			Capt Koung Lim.
			Capt Larry Seafood Market.
			Capt Larry's Inc.
			Capt LC Corp.
			Capt LD Seafood Inc.
			Capt Linton Inc.
			Capt Mack Inc.
			Capt Marcus Inc.
			Capt Morris.
			Capt Opie.
			Capt P Inc.
			Capt Pappie Inc.
			Capt Pat.
			Capt Paw Paw.
			Capt Pete Inc.
			Capt Peter Long Inc.
			Capt Pool Bear II's Seafood.
			Capt Quang.
			Capt Quina Inc.
			Capt Richard.
			Capt Ross Inc.
			Capt Roy.
			Capt Russell Jr Inc.
			Capt Ryan Inc.
			Capt Ryan's.
			Capt Sam.
			Capt Sang.
			Capt Scar Inc.
			Capt Scott.
			Capt Scott 5.
			Capt Scott Seafood.
			Capt Sparkers Shrimp.
			Capt St Peter.
			Capt T&T Corp.
			Capt Thien.
			Capt Tommy Inc.
			Capt Two Inc.
			Capt Van's Seafood.
			Capt Walley Inc.
			Capt Zoe Inc.
			Captain Allen's Bait & Tackle.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Captain Arnulfo Inc.
			Captain Blair Seafood.
			Captain Dexter Inc.
			Captain D's.
			Captain Homer Inc.
			Captain Jeff.
			Captain JH III Inc.
			Captain Joshua.
			Captain Larry'O.
			Captain Miss Cammy Nhung.
			Captain Regis.
			Captain Rick.
			Captain T/Thiet Nguyen.
			Captain Tony.
			Captain Truong Phi Corp.
			Captain Vinh.
			Cap't-Brandon.
			Captian Thomas Trawler Inc.
			Carlino Seafood.
			Carly Sue Inc.
			Carmelita Inc.
			Carolina Lady Inc.
			Carolina Sea Foods Inc.
			Caroline and Calandra Inc.
			Carson & Co.
			Carson & Co Inc.
			Cary Encalade Trawling.
			Castellano's Corp.
			Cathy Cheramie Inc.
			CBS Seafood & Catering LLC.
			CBS Seafood & Catering LLC.
			Cecilia Enterprise Inc.
			CF Gollot & Son Sfd Inc.
			CF Gollott and Son Seafood Inc.
			Chackbay Lady.
			Chad & Chaz LLC.
			Challenger Shrimp Co Inc.
			Chalmette Marine Supply Co Inc.
			Chalmette Net & Trawl.
			Chapa Shrimp Trawlers.
			Chaplin Seafood.
			Charlee Girl.
			Charles Guidry Inc.
			Charles Sellers.
			Charles White.
			Charlotte Maier Inc.
			Charlotte Maier Inc.
			Chef Seafood Ent LLC.
			Cheramies Landing.
			Cherry Pt Seafood.
			Cheryl Lynn Inc.
			Chez Francois Seafood.
			Chilling Pride Inc.
			Chin Nguyen Co.
			Chin Nguyen Co.
			Chinatown Seafood Co Inc.
			Chines Cajun Net Shop.
			Chris Hansen Seafood.
			Christian G Inc.
			Christina Leigh Shrimp Co.
			Christina Leigh Shrimp Company Inc.
			Christina Leigh Shrimp Company Inc.
			Cieutat Trawlers.
			Cinco de Mayo Inc.
			Cindy Lynn Inc.
			Cindy Mae Inc.
			City Market Inc.
			CJ Seafood.
			CJs Seafood.
			Clifford Washington.
			Clinton Hayes—C&S Enterprises of Brandon Inc.
			Cochran's Boat Yard.
			Colorado River Seafood.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Colson Marine.
			Comm Fishing.
			Commercial Fishing Service CFS Seafoods.
			Cong Son.
			Cong-An Inc.
			Country Girl Inc.
			Country Inc.
			Courtney & Ory Inc.
			Cowdrey Fish.
			Cptn David.
			Crab-Man Bait Shop.
			Craig A Wallis, Keith Wallis dba W&W Dock & 10 boats.
			Cristina Seafood.
			CRJ Inc.
			Cruillas Inc.
			Crusader Inc.
			Crustacean Frustration.
			Crystal Gayle Inc.
			Crystal Light Inc.
			Crystal Light Inc.
			Curtis Henderson.
			Custom Pack Inc.
			Custom Pack Inc.
			Cyril's Ice House & Supplies.
			D & A Seafood.
			D & C Seafood Inc.
			D & J Shrimping LLC.
			D & M Seafood & Rental LLC.
			D Ditcharo Jr Seafoods.
			D G & R C Inc.
			D S L & R Inc.
			D&T Marine Inc.
			Daddys Boys.
			DaHa Inc/Cat'Sass.
			DAHAPA Inc.
			Dale's Seafood Inc.
			Dang Nguyen.
			Daniel E Lane.
			Danny Boy Inc.
			Danny Max.
			David & Danny Inc.
			David C Donnelly.
			David Daniels.
			David Ellison Jr.
			David Gollott Sfd Inc.
			David W Casanova's Seafood.
			David White.
			David's Shrimping Co.
			Davis Seafood.
			Davis Seafood.
			Davis Seafood Inc.
			Dawn Marie.
			Deana Cheramie Inc.
			Deanna Lea.
			Dean's Seafood.
			Deau Nook.
			Debbe Anne Inc.
			Deep Sea Foods Inc/Jubilee Foods Inc.
			Delcambre Seafood.
			Dell Marine Inc.
			Dennis Menesses Seafood.
			Dennis' Seafood Inc.
			Dennis Shrimp Co Inc.
			Desperado.
			DFS Inc.
			Diamond Reef Seafood.
			Diem Inc.
			Dinh Nguyen.
			Dixie General Store LLC.
			Dixie Twister.
			Dominick's Seafood Inc.
			Don Paco Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Donald F Boone II.
			Dong Nguyen.
			Donini Seafoods Inc.
			Donna Marie.
			Donovan Tien I & II.
			Dopson Seafood.
			Dorada Cruz Inc.
			Double Do Inc.
			Double Do Inc.
			Doug and Neil Inc.
			Douglas Landing.
			Doxey's Oyster & Shrimp.
			Dragnet II.
			Dragnet Inc.
			Dragnet Seafood LLC.
			Dubberly's Mobile Seafood.
			Dudenhefer Seafood.
			Dugas Shrimp Co LLC.
			Dunamis Towing Inc.
			Dupree's Seafood.
			Duval & Duval Inc.
			Dwayne's Dream Inc.
			E & M Seafood.
			E & T Boating.
			E Gardner McClellan.
			E&E Shrimp Co Inc.
			East Coast Seafood.
			East Coast Seafood.
			East Coast Seafood.
			East Coast Seafood.
			Edisto Queen LLC.
			Edward Garcia Trawlers.
			EKV Inc.
			El Pedro Fishing & Trading Co Inc.
			Eliminator Inc.
			Elizabeth Nguyen.
			Ellerbee Seafoods.
			Ellie May.
			Elmira Pflueckhahn Inc.
			Elmira Pflueckhahn Inc.
			Elvira G Inc.
			Emily's SFD.
			Emmanuel Inc.
			Ensenada Cruz Inc.
			Enterprise.
			Enterprise Inc.
			Equalizer Shrimp Co Inc.
			Eric F Dufrene Jr LLC.
			Erica Lynn Inc.
			Erickson & Jensen Seafood Packers.
			Ethan G Inc.
			Excalibur LLC.
			F/V Apalachee Warrior.
			F/V Atlantis I.
			F/V Capt Walter B.
			F/V Captain Andy.
			F/V Eight Flags.
			F/V Mary Ann.
			F/V Miss Betty.
			F/V Morning Star.
			F/V Nam Linh.
			F/V Olivia B.
			F/V Phuoc Thanh Mai II.
			F/V Sea Dolphin.
			F/V Southern Grace.
			F/V Steven Mai.
			F/V Steven Mai II.
			Famer Boys Catfish Kitchens.
			Family Thing.
			Father Dan Inc.
			Father Lasimir Inc.
			Father Mike Inc.
			Fiesta Cruz Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Fine Shrimp Co.
			Fire Fox Inc.
			Fisherman's Reef Shrimp Co.
			Fishermen IX Inc.
			Fishing Vessel Enterprise Inc.
			Five Princesses Inc.
			FKM Inc.
			Fleet Products Inc.
			Flower Shrimp House.
			Flowers Seafood Co.
			Floyd's Wholesale Seafood Inc.
			Fly By Night Inc.
			Forest Billiot Jr.
			Fortune Shrimp Co Inc.
			FP Oubre.
			Francis Brothers Inc.
			Francis Brothers Inc.
			Francis III.
			Frank Toomer Jr.
			Fran-Tastic Too.
			Frederick-Dan.
			Freedom Fishing Inc.
			Freeman Seafood.
			Frelich Seafood Inc.
			Frenchie D–282226.
			Fripp Point Seafood.
			G & L Trawling Inc.
			G & O Shrimp Co Inc.
			G & O Trawlers Inc.
			G & S Trawlers Inc.
			G D Ventures II Inc.
			G G Seafood.
			G R LeBlanc Trawlers Inc.
			Gail's Bait Shop.
			Gale Force Inc.
			Gambler Inc.
			Gambler Inc.
			Garijak Inc.
			Gary F White.
			Gator's Seafood.
			Gay Fish Co.
			Gay Fish Co.
			GeeChee Fresh Seafood.
			Gemita Inc.
			Gene P Callahan Inc.
			George J Price Sr Ent Inc.
			Georgia Shrimp Co LLC.
			Gerica Marine.
			Gilden Enterprises.
			Gillikin Marine Railways Inc.
			Gina K Inc.
			Gisco Inc.
			Gisco Inc.
			Glenda Guidry Inc.
			Gloria Cruz Inc.
			Go Fish Inc.
			God's Gift.
			God's Gift Shrimp Vessel.
			Gogie.
			Gold Coast Seafood Inc.
			Golden Gulf Coast Pkg Co Inc.
			Golden Phase Inc.
			Golden Text Inc.
			Golden Text Inc.
			Golden Text Inc.
			Goldenstar.
			Gollott Brothers Sfd Co Inc.
			Gollott's Oil Dock & Ice House Inc.
			Gonzalez Trawlers Inc.
			Gore Enterprises Inc.
			Gore Enterprizes Inc.
			Gore Seafood Co.
			Gore Seafood Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Gove Lopez.
			Graham Fisheries Inc.
			Graham Shrimp Co Inc.
			Graham Shrimp Co Inc.
			Gramps Shrimp Co.
			Grandma Inc.
			Grandpa's Dream.
			Grandpa's Dream.
			Granny's Garden and Seafood.
			Green Flash LLC.
			Greg Inc.
			Gregory Mark Gaubert.
			Gregory Mark Gaubert.
			Gregory T Boone.
			Gros Tete Trucking Inc.
			Guidry's Bait Shop.
			Guidry's Net Shop.
			Gulf Central Seaood Inc.
			Gulf Crown Seafood Co Inc.
			Gulf Fish Inc.
			Gulf Fisheries Inc.
			Gulf Island Shrimp & Seafood II LLC.
			Gulf King Services Inc.
			Gulf Pride Enterprises Inc.
			Gulf Seaway Seafood Inc.
			Gulf Shrimp.
			Gulf South Inc.
			Gulf Stream Marina LLC.
			Gulf Sweeper Inc (Trawler Gulf Sweeper).
			Gypsy Girl Inc.
			H & L Seafood.
			Hack Berry Seafood.
			Hagen & Miley Inc.
			Hailey Marie Inc.
			Hanh Lai Inc.
			Hannah Joyce Inc.
			Hardy Trawlers.
			Hardy Trawlers.
			Harrington Fish Co Inc.
			Harrington Seafood & Supply Inc.
			Harrington Shrimp Co Inc.
			Harrington Trawlers Inc.
			Harris Fisheries Inc.
			Hazel's Hustler.
			HCP LLC.
			Heather Lynn Inc.
			Heavy Metal Inc.
			Hebert Investments Inc.
			Hebert's Mini Mart LLC.
			Helen E Inc.
			Helen Kay Inc.
			Helen Kay Inc.
			Helen W Smith Inc.
			Henderson Seafood.
			Henry Daniels Inc.
			Hermosa Cruz Inc.
			Hi Seas of Dulac Inc.
			Hien Le Van Inc.
			High Hope Inc.
			Hoang Anh.
			Hoang Long I, II.
			Holland Enterprises.
			Holly Beach Seafood.
			Holly Marie's Seafood Market.
			Hombre Inc.
			Home Loving Care Co.
			Hondumex Ent Inc.
			Hong Nga Inc.
			Hongri Inc.
			Houston Foret Seafood.
			Howerin Trawlers Inc.
			HTH Marine Inc.
			Hubbard Seafood.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Hurricane Emily Seafood Inc.
			Hutcherson Christian Shrimp Inc.
			Huyen Inc.
			Icy Seafood II Inc.
			ICY Seafood Inc.
			Icy Seafood Inc.
			Ida's Seafood Rest & Market.
			Ike & Zack Inc.
			Independent Fish Company Inc.
			Inflation Inc.
			Integrity Fisheries Inc.
			Integrity Fishing Inc.
			International Oceanic Ent.
			Interstate Vo LLC.
			Intracoastal Seafood Inc.
			Iorn Will Inc.
			Irma Trawlers Inc.
			Iron Horse Inc.
			Isabel Maier Inc.
			Isabel Maier Inc.
			Isla Cruz Inc.
			J & J Rentals Inc.
			J & J Trawler's Inc.
			J & R Seafood.
			J Collins Trawlers.
			J D Land Co.
			Jackie & Hiep Trieu.
			Jacob A Inc.
			Jacquelin Marie Inc.
			Jacquelin Marie Inc.
			James D Quach Inc.
			James E Scott III.
			James F Dubberly.
			James Gadson.
			James J Matherne Jr.
			James J Matherne Sr.
			James Kenneth Lewis Sr.
			James LaRive Jr.
			James W Green Jr dba Miss Emilie Ann.
			James W Hicks.
			Janet Louise Inc.
			Jani Marie.
			JAS Inc.
			JBS Packing Co Inc.
			JBS Packing Inc.
			JCM.
			Jean's Bait.
			Jeff Chancey.
			Jemison Trawler's Inc.
			Jenna Dawn LLC.
			Jennifer Nguyen—Capt T.
			Jensen Seafood Pkg Co Inc.
			Jesse LeCompte Jr.
			Jesse LeCompte Sr.
			Jesse Shantelle Inc.
			Jessica Ann Inc.
			Jessica Inc.
			Jesus G Inc.
			Jimmy and Valerie Bonvillain.
			Jimmy Le Inc.
			Jim's Cajen Shrimp.
			Joan of Arc Inc.
			JoAnn and Michael W Daigle.
			Jody Martin.
			Joe Quach.
			Joel's Wild Oak Bait Shop & Fresh Seafood.
			John A Norris.
			John J Alexie.
			John Michael E Inc.
			John V Alexie.
			Johnny & Joyce's Seafood.
			Johnny O Co.
			Johnny's Seafood.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			John's Seafood.
			Joker's Wild.
			Jones—Kain Inc.
			Joni John Inc (Leon J Champagne).
			Jon's C Seafood Inc.
			Joseph Anthony.
			Joseph Anthony Inc.
			Joseph Garcia.
			Joseph Martino.
			Joseph Martino Corp.
			Joseph T Vermeulen.
			Josh & Jake Inc.
			Joya Cruz Inc.
			JP Fisheries.
			Julie Ann LLC.
			Julie Hoang.
			Julie Shrimp Co Inc (Trawler Julie).
			Julio Gonzalez Boat Builders Inc.
			Justin Dang.
			JW Enterprise.
			K & J Trawlers.
			K&D Boat Company.
			K&S Enterprises Inc.
			Kalliainen Seafoods Inc.
			KAM Fishing.
			Kandi Sue Inc.
			Karl M Belsome LLC.
			KBL Corp.
			KDH Inc.
			Keith M Swindell.
			Kellum's Seafood.
			Kellum's Seafood.
			Kelly Marie Inc.
			Ken Lee's Dock LLC.
			Kenneth Guidry.
			Kenny-Nancy Inc.
			Kentucky Fisheries Inc.
			Kentucky Trawlers Inc.
			Kevin & Bryan (M/V).
			Kevin Dang.
			Khang Dang.
			Khanh Huu Vu.
			Kheng Sok Shrimping.
			Kim & James Inc.
			Kim Hai II Inc.
			Kim Hai Inc.
			Kim's Seafood.
			Kingdom World Inc.
			Kirby Seafood.
			Klein Express.
			KMB Inc.
			Knight's Seafood Inc.
			Knight's Seafood Inc.
			Knowles Noel Camardelle.
			Kramer's Bait Co.
			Kris & Cody Inc.
			KTC Fishery LLC.
			L & M.
			L & N Friendship Corp.
			L & O Trawlers Inc.
			L & T Inc.
			L&M.
			LA—3184 CA.
			La Belle Idee.
			La Macarela Inc.
			La Pachita Inc.
			LA–6327–CA.
			LaBauve Inc.
			LaBauve Inc.
			Lade Melissa Inc.
			Lady Agnes II.
			Lady Agnes III.
			Lady Amelia Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Lady Anna I.
			Lady Anna II.
			Lady Barbara Inc.
			Lady Carolyn Inc.
			Lady Catherine.
			Lady Chancery Inc.
			Lady Chelsea Inc.
			Lady Danielle.
			Lady Debra Inc.
			Lady Dolcina Inc.
			Lady Gail Inc.
			Lady Katherine Inc.
			Lady Kelly Inc.
			Lady Kelly Inc.
			Lady Kristie.
			Lady Lavang LLC.
			Lady Liberty Seafood Co.
			Lady Lynn Ltd.
			Lady Marie Inc.
			Lady Melissa Inc.
			Lady Shelly.
			Lady Shelly.
			Lady Snow Inc.
			Lady Stephanie.
			Lady Susie Inc.
			Lady T Kim Inc.
			Lady TheLna.
			Lady Toni Inc.
			Lady Veronica.
			Lafitte Frozen Foods Corp.
			Lafont Inc.
			Lafourche Clipper Inc.
			Lafourche Clipper Inc.
			Lamarah Sue Inc.
			Lan Chi Inc.
			Lan Chi Inc.
			Lancero Inc.
			Lanny Renard and Daniel Bourque.
			Lapeyrouse Seafood Bar Groc Inc.
			Larry G Kellum Sr.
			Larry Scott Freeman.
			Larry W Hicks.
			Lasseigne & Sons Inc.
			Laura Lee.
			Lauren O.
			Lawrence Jacobs Sfd.
			Lazaretta Packing Inc.
			Le & Le Inc.
			Le Family Inc.
			Le Family Inc.
			Le Tra Inc.
			Leek & Millington Trawler Privateeer.
			Lee's Sales & Distribution.
			Leonard Shrimp Producers Inc.
			Leoncea B Regnier.
			Lerin Lane.
			Li Johnson.
			Liar Liar.
			Libertad Fisheries Inc.
			Liberty I.
			Lighthouse Fisheries Inc.
			Lil Aly.
			Lil Arthur Inc.
			Lil BJ LLC.
			Lil Robbie Inc.
			Lil Robbie Inc.
			Lil Robin.
			Lil Robin.
			Lilla.
			Lincoln.
			Linda & Tot Inc.
			Linda Cruz Inc.
			Linda Hoang Shrimp.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Linda Lou Boat Corp.
			Linda Lou Boat Corp.
			Lisa Lynn Inc.
			Lisa Lynn Inc.
			Little Andrew Inc.
			Little Andy Inc.
			Little Arthur.
			Little David Gulf Trawler Inc.
			Little Ernie Gulf Trawler Inc.
			Little Ken Inc.
			Little Mark.
			Little William Inc.
			Little World.
			LJL Inc.
			Long Viet Nguyen.
			Longwater Seafood dba Ryan H Longwater.
			Louisiana Gulf Shrimp LLC.
			Louisiana Lady Inc.
			Louisiana Man.
			Louisiana Newpack Shrimp Co Inc.
			Louisiana Pride Seafood Inc.
			Louisiana Pride Seafood Inc.
			Louisiana Seafood Dist LLC.
			Louisiana Shrimp & Packing Inc.
			Louisiana Shrimp and Packing Co Inc.
			Lovely Daddy II & III.
			Lovely Jennie.
			Low Country Lady (Randolph N Rhodes).
			Low County Lady.
			Luchador Inc.
			Lucky.
			Lucky I.
			Lucky Jack Inc.
			Lucky Lady.
			Lucky Lady II.
			Lucky Leven Inc.
			Lucky MV.
			Lucky Ocean.
			Lucky Sea Star Inc.
			Lucky Star.
			Lucky World.
			Lucky's Seafood Market & Poboys LLC.
			Luco Drew's.
			Luisa Inc.
			Lupe Martinez Inc.
			LV Marine Inc.
			LW Graham Inc.
			Lyle LeCompte.
			Lynda Riley Inc.
			Lynda Riley Inc.
			M & M Seafood.
			M V Sherry D.
			M V Tony Inc.
			M&C Fisheries.
			M/V Baby Doll.
			M/V Chevo's Bitch.
			M/V Lil Vicki.
			M/V Loco-N Motion.
			M/V Patsy K #556871.
			M/V X L.
			Mabry Allen Miller Jr.
			Mad Max Seafood.
			Madera Cruz Inc.
			Madison Seafood.
			Madlin Shrimp Co Inc.
			Malibu.
			Malolo LLC.
			Mamacita Inc.
			Man Van Nguyen.
			Manteo Shrimp Co.
			Marco Corp.
			Marcos A.
			Maria Elena Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Maria Sandi.
			Mariachi Trawlers Inc.
			Mariah Jade Shrimp Company.
			Marie Teresa Inc.
			Marine Fisheries.
			Marisa Elida Inc.
			Mark and Jace.
			Marleann.
			Martin's Fresh Shrimp.
			Mary Bea Inc.
			Master Brandon Inc.
			Master Brock.
			Master Brock.
			Master Dylan.
			Master Gerald Trawlers Inc.
			Master Hai.
			Master Hai II.
			Master Henry.
			Master Jared Inc.
			Master Jhy Inc.
			Master John Inc.
			Master Justin Inc.
			Master Justin Inc.
			Master Ken Inc.
			Master Kevin Inc.
			Master Martin Inc.
			Master Mike Inc.
			Master NT Inc.
			Master Pee-Wee.
			Master Ronald Inc.
			Master Scott.
			Master Scott II.
			Master Seelos Inc.
			Master T.
			Master Tai LLC.
			Master Tai LLC.
			Mat Roland Seafood Co.
			Maw Doo.
			Mayflower.
			McQuaig Shrimp Co Inc.
			Me Kong.
			Melerine Seafood.
			Melody Shrimp Co.
			Mer Shrimp Inc.
			Michael Lynn.
			Michael Nguyen.
			Michael Saturday's Fresh Every Day South Carolina Shrimp.
			Mickey Nelson Net Shop.
			Mickey's Net.
			Midnight Prowler.
			Mike's Seafood Inc.
			Miley's Seafood Inc.
			Militello and Son Inc.
			Miller & Son Seafood Inc.
			Miller Fishing.
			Milliken & Son's.
			Milton J Dufrene and Son Inc.
			Milton Yopp—Capt'n Nathan & Thomas Winfield.
			Minh & Liem Doan.
			Mis Quynh Chi II.
			Miss Adrianna Inc.
			Miss Alice Inc.
			Miss Ann Inc.
			Miss Ann Inc.
			Miss Ashleigh.
			Miss Ashleigh Inc.
			Miss Barbara.
			Miss Barbara Inc.
			Miss Bernadette A Inc.
			Miss Bertha (M/V).
			Miss Beverly Kay.
			Miss Brenda.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Miss Candace.
			Miss Candace Nicole Inc.
			Miss Carla Jean Inc.
			Miss Caroline Inc.
			Miss Carolyn Louise Inc.
			Miss Caylee.
			Miss Charlotte Inc.
			Miss Christine III.
			Miss Cleda Jo Inc.
			Miss Courtney Inc.
			Miss Courtney Inc.
			Miss Cynthia.
			Miss Danielle Gulf Trawler Inc.
			Miss Danielle LLC.
			Miss Dawn.
			Miss Ellie Inc.
			Miss Faye LLC.
			Miss Fina Inc.
			Miss Georgia Inc.
			Miss Hannah.
			Miss Hannah Inc.
			Miss Hazel Inc.
			Miss Hilary Inc.
			Miss Jennifer Inc.
			Miss Joanna Inc.
			Miss Julia.
			Miss Kandy Tran LLC.
			Miss Kandy Tran LLC.
			Miss Karen.
			Miss Kathi Inc.
			Miss Kathy.
			Miss Kaylyn LLC.
			Miss Khayla.
			Miss Lil.
			Miss Lillie Inc.
			Miss Liz Inc.
			Miss Loraine.
			Miss Loraine Inc.
			Miss Lori Dawn IV Inc.
			Miss Lori Dawn V Inc.
			Miss Lori Dawn VI Inc.
			Miss Lori Dawn VII Inc.
			Miss Lorie Inc.
			Miss Luana D Shrimp Co.
			Miss Luana D Shrimp Co.
			Miss Madeline Inc.
			Miss Madison.
			Miss Marie.
			Miss Marie Inc.
			Miss Marilyn Louis Inc.
			Miss Marilyn Louise.
			Miss Marilyn Louise Inc.
			Miss Marissa Inc.
			Miss Martha Inc.
			Miss Martha Inc.
			Miss Mary T.
			Miss Myle.
			Miss Narla.
			Miss Nicole.
			Miss Nicole Inc.
			Miss Plum Inc.
			Miss Quynh Anh I.
			Miss Quynh Anh I LLC.
			Miss Quynh Anh II LLC.
			Miss Redemption LLC.
			Miss Rhianna Inc.
			Miss Sambath.
			Miss Sandra II.
			Miss Sara Ann.
			Miss Savannah.
			Miss Savannah II.
			Miss Soriya.
			Miss Suzanne.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Miss Sylvia.
			Miss Than.
			Miss Thom.
			Miss Thom Inc.
			Miss Tina Inc.
			Miss Trinh Trinh.
			Miss Trisha Inc.
			Miss Trisha Inc.
			Miss Verna Inc.
			Miss Vicki.
			Miss Victoria Inc.
			Miss Vivian Inc.
			Miss WillaDean.
			Miss Winnie Inc.
			Miss Yvette Inc.
			Miss Yvonne.
			Misty Morn Eat.
			Misty Star.
			MJM Seafood Inc.
			M'M Shrimp Co Inc.
			Mom & Dad Inc.
			Mona-Dianne Seafood.
			Montha Sok and Tan No Le.
			Moon River Inc.
			Moon Tillett Fish Co Inc.
			Moonlight.
			Moonlight Mfg.
			Moore Trawlers Inc.
			Morgan Creek Seafood.
			Morgan Rae Inc.
			Morning Star.
			Morrison Seafood.
			Mother Cabrini.
			Mother Teresa Inc.
			Mr & Mrs Inc.
			Mr & Mrs Inc.
			Mr Coolly.
			Mr Fox.
			Mr Fox.
			Mr G.
			Mr Gaget LLC.
			Mr Henry.
			Mr Natural Inc.
			Mr Neil.
			Mr Phil T Inc.
			Mr Sea Inc.
			Mr Verdin Inc.
			Mr Williams.
			Mrs Judy Too.
			Mrs Tina Lan Inc.
			Ms Alva Inc.
			Ms An.
			My Angel II.
			My Blues.
			My Dad Whitney Inc.
			My Girls LLC.
			My Thi Tran Inc.
			My Three Sons Inc.
			My V Le Inc.
			My-Le Thi Nguyen.
			Myron A Smith Inc.
			Nancy Joy.
			Nancy Joy Inc.
			Nancy Joy Inc.
			Nanny Granny Inc.
			Nanny Kat Seafood LLC.
			Napolean Seafoods.
			Napoleon II.
			Napoleon Seafood.
			Napoleon SF.
			Naquin's Seafood.
			Nautilus LLC.
			Nelma Y Lane.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nelson and Son.
			Nelson Trawlers Inc.
			Nelson's Quality Shrimp Company.
			Nevgulmarco Co Inc.
			New Deal Comm Fishing.
			New Way Inc.
			Nguyen Day Van.
			Nguyen Express.
			Nguyen Int'l Enterprises Inc.
			Nguyen Shipping Inc.
			NHU UYEN.
			Night Moves of Cut Off Inc.
			Night Shift LLC.
			Night Star.
			North Point Trawlers Inc.
			North Point Trawlers Inc.
			Nuestra Cruz Inc.
			Nunez Seafood.
			Oasis.
			Ocean Bird Inc.
			Ocean Breeze Inc.
			Ocean Breeze Inc.
			Ocean City Corp.
			Ocean Emperor Inc.
			Ocean Harvest Wholesale Inc.
			Ocean Pride Seafood Inc.
			Ocean Seafood.
			Ocean Select Seafood LLC.
			Ocean Springs Seafood Market Inc.
			Ocean Wind Inc.
			Oceanica Cruz Inc.
			Odin LLC.
			Old Maw Inc.
			Ole Holbrook's Fresh Fish Market LLC.
			Ole Nelle.
			One Stop Bait & Ice.
			Open Sea Inc.
			Orage Enterprises Inc.
			Orn Roeum Shrimping.
			Otis Cantrelle Jr.
			Otis M Lee Jr.
			Owens Shrimping.
			Palmetto Seafood Inc.
			Papa Rod Inc.
			Papa T.
			Pappy Inc.
			Pappy's Gold.
			Parfait Enterprises Inc.
			Paris/Asia.
			Parramore Inc.
			Parrish Shrimping Inc.
			Pascagoula Ice & Freezer Co Inc.
			Pat-Lin Enterprises Inc.
			Patricia Foret.
			Patrick Sutton Inc.
			Patty Trish Inc.
			Paul Piazza and Son Inc.
			Paw Paw Allen.
			Paw Paw Pride Inc.
			Pearl Inc dba Indian Ridge Shrimp Co.
			Pei Gratia Inc.
			Pelican Point Seafood Inc.
			Penny V LLC.
			Perlita Inc.
			Perseverance I LLC.
			Pete & Queenie Inc.
			Phat Le and Le Tran.
			Phi Long Inc.
			Phi-Ho LLC.
			Pip's Place Marina Inc.
			Plaisance Trawlers Inc.
			Plata Cruz Inc.
			Poc-Tal Trawlers Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Pointe-Aux-Chene Marina.
			Pontchautrain Blue Crab.
			Pony Express.
			Poppee.
			Poppy's Pride Seafood.
			Port Bolivar Fisheries Inc.
			Port Marine Supplies.
			Port Royal Seafood Inc.
			Poteet Seafood Co Inc.
			Potter Boats Inc.
			Price Seafood Inc.
			Prince of Tides.
			Princess Ashley Inc.
			Princess Celine Inc.
			Princess Cindy Inc.
			Princess Lorie LLC.
			Princess Mary Inc.
			Prosperity.
			PT Fisheries Inc.
			Punch's Seafood Mkt.
			Purata Trawlers Inc.
			Pursuer Inc.
			Quality Seafood.
			Quang Minh II Inc.
			Queen Lily Inc.
			Queen Mary.
			Queen Mary Inc.
			Quinta Cruz Inc.
			Quoc Bao Inc.
			Quynh NHU Inc.
			Quynh Nhu Inc.
			R & J Inc.
			R & K Fisheries LLC.
			R & L Shrimp Inc.
			R & P Fisheries.
			R & R Bait/Seafood.
			R & S Shrimping.
			R & T Atocha LLC.
			R&D Seafood.
			R&K Fisheries LLC.
			R&R Seafood.
			RA Lesso Brokerage Co Inc.
			RA Lesso Seafood Co Inc.
			Rachel-Jade.
			Ralph Lee Thomas Jr.
			Ralph W Jones.
			Ramblin Man Inc.
			Ranchero Trawlers Inc.
			Randall J Pinell Inc.
			Randall J Pinell Inc.
			Randall K and Melissa B Richard.
			Randall Pinell.
			Randy Boy Inc.
			Randy Boy Inc.
			Rang Dong.
			Raul L Castellanos.
			Raul's Seafood.
			Raul's Seafood.
			Rayda Cheramie Inc.
			Raymond LeBouef.
			RCP Seafood I II III.
			RDR Shrimp Inc.
			Reagan's Seafood.
			Rebecca Shrimp Co Inc.
			Rebel Seafood.
			Regulus.
			Rejimi Inc.
			Reno's Sea Food.
			Res Vessel.
			Reyes Trawlers Inc.
			Rick's Seafood Inc.
			Ricky B LLC.
			Ricky G Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Riffle Seafood.
			Rigolets Bait & Seafood LLC.
			Riverside Bait & Tackle.
			RJ's.
			Roatex Ent Inc.
			Robanie C Inc.
			Robanie C Inc.
			Robanie C Inc.
			Robert E Landry.
			Robert H Schrimpf.
			Robert Johnson.
			Robert Keenan Seafood.
			Robert Upton or Terry Upton.
			Robert White Seafood.
			Rockin Robbin Fishing Boat Inc.
			Rodney Hereford Jr.
			Rodney Hereford Sr.
			Rodney Hereford Sr.
			Roger Blanchard Inc.
			Rolling On Inc.
			Romo Inc.
			Ronald Louis Anderson Jr.
			Rosa Marie Inc.
			Rose Island Seafood.
			RPM Enterprises LLC.
			Rubi Cruz Inc.
			Ruf-N-Redy Inc.
			Rutley Boys Inc.
			Sadie D Seafood.
			Safe Harbour Seafood Inc.
			Salina Cruz Inc.
			Sally Kim III.
			Sally Kim IV.
			Sam Snodgrass & Co.
			Samaira Inc.
			San Dia.
			Sand Dollar Inc.
			Sandy N.
			Sandy O Inc.
			Santa Fe Cruz Inc.
			Santa Maria I Inc.
			Santa Maria II.
			Santa Monica Inc.
			Scavanger.
			Scooby Inc.
			Scooby Inc.
			Scottie and Juliette Dufrene.
			Scottie and Juliette Dufrene.
			Sea Angel.
			Sea Angel Inc.
			Sea Bastion Inc.
			Sea Drifter Inc.
			Sea Durbin Inc.
			Sea Eagle.
			Sea Eagle Fisheries Inc.
			Sea Frontier Inc.
			Sea Gold Inc.
			Sea Gulf Fisheries Inc.
			Sea Gypsy Inc.
			Sea Hawk I Inc.
			Sea Horse Fisheries.
			Sea Horse Fisheries Inc.
			Sea King Inc.
			Sea Pearl Seafood Company Inc.
			Sea Queen IV.
			Sea Trawlers Inc.
			Sea World.
			Seabrook Seafood Inc.
			Seabrook Seafood Inc.
			Seafood & Us Inc.
			Seaman's Magic Inc.
			Seaman's Magic Inc.
			Seaside Seafood Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Seaweed 2000.
			Seawolf Seafood.
			Second Generation Seafood.
			Shark Co Seafood Inter Inc.
			Sharon—Ali Michelle Inc.
			Shelby & Barbara Seafood.
			Shelby & Barbara Seafood.
			Shelia Marie LLC.
			Shell Creek Seafood Inc.
			Shirley Elaine.
			Shirley Girl LLC.
			Shrimp Boat Patrice.
			Shrimp Boating Inc.
			Shrimp Express.
			Shrimp Man.
			Shrimp Networks Inc.
			Shrimp Trawler.
			Shrimper.
			Shrimper.
			Shrimpy's.
			Si Ky Lan Inc.
			Si Ky Lan Inc.
			Si Ky Lan Inc.
			Sidney Fisheries Inc.
			Silver Fox.
			Silver Fox LLC.
			Simon.
			Sims Shrimping.
			Skip Toomer Inc.
			Skip Toomer Inc.
			Skyla Marie Inc.
			Smith & Sons Seafood Inc.
			Snowdrift.
			Snowdrift.
			Sochenda.
			Soeung Phat.
			Son T Le Inc.
			Son's Pride Inc.
			Sophie Marie Inc.
			Soul Mama Inc.
			Souther Obsession Inc.
			Southern Lady.
			Southern Nightmare Inc.
			Southern Star.
			Southshore Seafood.
			Spencers Seafood.
			Sprig Co Inc.
			St Anthony Inc.
			St Daniel Phillip Inc.
			St Dominic.
			St Joseph.
			St Joseph.
			St Joseph II Inc.
			St Joseph III Inc.
			St Joseph IV Inc.
			St Martin.
			St Martyrs VN.
			St Mary Seafood.
			St Mary Seven.
			St Mary Tai.
			St Michael Fuel & Ice Inc.
			St Michael's Ice & Fuel.
			St Peter.
			St Peter 550775.
			St Teresa Inc.
			St Vincent Andrew Inc.
			St Vincent Gulf Shrimp Inc.
			St Vincent One B.
			St Vincent One B Inc.
			St Vincent SF.
			St Vincent Sfd Inc.
			Start Young Inc.
			Steamboat Bills Seafood.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Stella Mestre Inc.
			Stephen Dantin Jr.
			Stephney's Seafood.
			Stipelcovich Marine Wks.
			Stone-Co Farms LP.
			Stone-Co Farms LP.
			Stormy Sean Inc.
			Stormy Seas Inc.
			Sun Star Inc.
			Sun Swift Inc.
			Sunshine.
			Super Coon Inc.
			Super Cooper Inc.
			Swamp Irish Inc.
			Sylvan P Racine Jr—Capt Romain.
			T & T Seafood.
			T Brothers.
			T Cvitanovich Seafood LLC.
			Ta Do.
			Ta T Vo Inc.
			Ta T Vo Inc.
			Tana Inc.
			Tanya Lea Inc.
			Tanya Lea Inc.
			Tanya Lea Inc.
			Tasha Lou.
			T-Brown Inc.
			Tee Frank Inc.
			Tee Tigre Inc.
			Tercera Cruz Inc.
			Terrebonne Seafood Inc.
			Terri Monica.
			Terry Luke Corp.
			Terry Luke Corp.
			Terry Luke Corp.
			Terry Lynn Inc.
			Te-Sam Inc.
			Texas 1 Inc.
			Texas 18 Inc.
			Texas Lady Inc.
			Texas Pack Inc.
			Tex-Mex Cold Storage Inc.
			Tex-Mex Cold Storage Inc.
			Thai & Tran Inc.
			Thai Bao Inc.
			Thanh Phong.
			The Boat Phat Tai.
			The Fishermans Dock.
			The Last One.
			The Light House Bait & Seafood Shack LLC.
			The Mayporter Inc.
			The NGO.
			The Seafood Shed.
			Thelma J Inc.
			Theresa Seafood Inc.
			Third Tower Inc.
			Thomas Winfield—Capt Nathan.
			Thompson Bros.
			Three C's.
			Three Dads.
			Three Sons.
			Three Sons Inc.
			Three Sons Inc.
			Thunder Roll.
			Thunderbolt Fisherman's Seafood Inc.
			Thy Tra Inc.
			Thy Tra Inc.
			Tidelands Seafood Co Inc.
			Tiffani Claire Inc.
			Tiffani Claire Inc.
			Tiger Seafood.
			Tikede Inc.
			Timmy Boy Corp.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Tina Chow.
			Tina T LLC.
			Tino Mones Seafood.
			TJ's Seafood.
			Toan Inc.
			Todd Co.
			Todd's Fisheries.
			Tom LE LLC.
			Tom Le LLC.
			Tom N & Bill N Inc.
			Tommy Bui dba Mana II.
			Tommy Cheramie Inc.
			Tommy Gulf Sea Food Inc.
			Tommy's Seafood Inc.
			Tonya Jane Inc.
			Tony-N.
			Tookie Inc.
			Tot & Linda Inc.
			T-Pops Inc.
			Tran Phu Van.
			Tran's Express Inc.
			Travis—Shawn.
			Travis—Shawn.
			Trawler Azteca.
			Trawler Becky Lyn Inc.
			Trawler Capt GC.
			Trawler Capt GC II.
			Trawler Dalia.
			Trawler Doctor Bill.
			Trawler Gulf Runner.
			Trawler HT Seaman.
			Trawler Joyce.
			Trawler Kristi Nicole.
			Trawler Kyle & Courtney.
			Trawler Lady Catherine.
			Trawler Lady Gwen Doe.
			Trawler Linda B Inc.
			Trawler Linda June.
			Trawler Little Brothers.
			Trawler Little Gavino.
			Trawler Little Rookie Inc.
			Trawler Mary Bea.
			Trawler Master Alston.
			Trawler Master Jeffery Inc.
			Trawler Michael Anthony Inc.
			Trawler Mildred Barr.
			Trawler Miss Alice Inc.
			Trawler Miss Jamie.
			Trawler Miss Kelsey.
			Trawler Miss Sylvia Inc.
			Trawler Mrs Viola.
			Trawler Nichols Dream.
			Trawler Raindear Partnership.
			Trawler Rhonda Kathleen.
			Trawler Rhonda Lynn.
			Trawler Sandra Kay.
			Trawler Sarah Jane.
			Trawler Sea Wolf.
			Trawler Sea Wolf.
			Trawler SS Chaplin.
			Trawler The Mexican.
			Trawler Wallace B.
			Trawler Wylie Milam.
			Triple C Seafood.
			Triple T Enterprises Inc.
			Triplets Production.
			Tropical SFD.
			Troy A LeCompte Sr.
			True World Foods Inc.
			T's Seafood.
			Tu Viet Vu.
			TVN Marine Inc.
			TVN Marine Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Two Flags Inc.
			Tyler James.
			Ultima Cruz Inc.
			UTK Enterprises Inc.
			V & B Shrimping LLC.
			Valona Sea Food.
			Valona Seafood Inc.
			Van Burren Shrimp Co.
			Vaquero Inc.
			Varon Inc.
			Venetian Isles Marina.
			Venice Seafood Exchange Inc.
			Venice Seafood LLC.
			Vera Cruz Inc.
			Veronica Inc.
			Versaggi Shrimp Corp.
			Victoria Rose Inc.
			Viet Giang Corp.
			Vigilante Trawlers Inc.
			Village Creek Seafood.
			Villers Seafood Co Inc.
			Vina Enterprises Inc.
			Vincent L Alexie Jr.
			Vincent Piazza Jr & Sons Seafood Inc.
			Vin-Penny.
			Vivian Lee Inc.
			Von Harten Shrimp Co Inc.
			VT & L Inc.
			Vu NGO.
			Vu-Nguyen Partners.
			W L & O Inc.
			Waccamaw Producers.
			Wait-N-Sea Inc.
			Waller Boat Corp.
			Walter R Hicks.
			Ward Seafood Inc.
			Washington Seafood.
			Watermen Industries Inc.
			Watermen Industries Inc.
			Waymaker Inc.
			Wayne Estay Shrimp Co Inc.
			WC Trawlers Inc.
			We Three Inc.
			We Three Inc.
			Webster's Inc.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros.
			Weems Bros Seafood.
			Weems Bros Seafood Co.
			Weiskopf Fisheries LLC.
			Wendy & Eric Inc.
			Wescovich Inc.
			West Point Trawlers Inc.
			Westley J Domangue.
			WH Blanchard Inc.
			Whiskey Joe Inc.
			White and Black.
			White Bird.
			White Foam.
			White Gold.
			Wilcox Shrimping Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Wild Bill. Wild Eagle Inc. William E Smith Jr Inc. William Lee Inc. William O Nelson Jr. William Patrick Inc. William Smith Jr Inc. Willie Joe Inc. Wind Song Inc. Wonder Woman. Woods Fisheries Inc. Woody Shrimp Co Inc. Yeaman's Inc. Yen Ta. Yogi's Shrimp. You & Me Shrimp. Ysclaskey Seafood. Zirlott Trawlers Inc. Zirlott Trawlers Inc.

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Part III

Commodity Futures Trading Commission

17 CFR Part 43

Procedures To Establish Appropriate Minimum Block Sizes for Large Notional Off-Facility Swaps and Block Trades; Final Rule

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 43

RIN 3038–AD08

Procedures To Establish Appropriate Minimum Block Sizes for Large Notional Off-Facility Swaps and Block Trades

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission is adopting regulations to implement certain statutory provisions enacted by Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Specifically, in accordance with section 727 of the Dodd-Frank Act, the Commission is adopting regulations that define the criteria for grouping swaps into separate swap categories and establish methodologies for setting appropriate minimum block sizes for each swap category. In addition, the Commission is adopting further measures under the Commission's regulations to prevent the public disclosure of the identities, business transactions and market positions of swaps market participants.

DATES: *Effective date:* July 30, 2013.

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I. Background

A. The Dodd-Frank Act

On July 21, 2010, President Obama signed the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'').[1] Title VII of the Dodd-Frank Act[2] amended the Commodity Exchange Act (''CEA'')[3] to establish a comprehensive new regulatory framework for swaps and security-based swaps. This legislation was enacted to reduce risk, increase transparency and promote market integrity within the financial system by, *inter alia:* (1) Providing for the registration and comprehensive regulation of swap dealers (''SDs'') and major swap participants (''MSPs''); (2) imposing mandatory clearing and trade execution requirements on standardized derivative products; (3) creating robust recordkeeping and real-time reporting regimes; and (4) enhancing the Commission's rulemaking and enforcement authorities with respect to, among others, all registered entities and intermediaries subject to the Commission's oversight.

Section 727 of the Dodd-Frank Act created section 2(a)(13) of the CEA, which authorizes and requires the Commission to promulgate regulations for the real-time public reporting of swap transaction and pricing data.[4] Section 2(a)(13)(A) provides that ''real-time public reporting'' means reporting ''data relating to a swap transaction, including price and volume, as soon as technologically practicable after the time at which the swap transaction has been executed.''[5] Section 2(a)(13)(B) states that the purpose of section 2(a)(13) is ''to authorize the Commission to make swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery.''

In general, section 2(a)(13) of the CEA directs the Commission to prescribe regulations providing for the public availability of transaction and pricing data for certain swaps. Section 2(a)(13) places two other statutory requirements on the Commission that are relevant to this final rule. First, sections 2(a)(13)(E)(ii) and (iii) of the CEA respectively require the Commission to prescribe regulations specifying ''the criteria for determining what constitutes a large notional swap transaction (block trade) for particular markets and contracts'' and ''the appropriate time delay for reporting large notional swap transactions (block trades) to the public.''[6] In promulgating regulations under section 2(a)(13), section 2(a)(13)(E)(iv) directs the Commission to take into account whether public disclosure of swap transaction and pricing data ''will materially reduce market liquidity.''[7]

The second statutory requirement relevant to this final rule is found in sections 2(a)(13)(E)(i) and 2(a)(13)(C)(iii) of the CEA. Through these sections, Congress sought to ''ensure that the public reporting of swap transaction and pricing data [would] not disclose the names or identities of the parties to [swap] transactions.''[8] Accordingly, § 2(a)(13)(E)(i) of the CEA requires the Commission to protect the identities of counterparties to mandatorily-cleared swaps, swaps excepted from the mandatory clearing requirement, and voluntarily-cleared swaps. Section 2(a)(13)(C)(iii) of the CEA requires the Commission to prescribe rules that maintain the anonymity of business transactions and market positions of the counterparties to an uncleared swap.[9]

In order to carry out the requirements of section 2(a)(13), including among other things the two statutory requirements regarding blocks and anonymity described above, the Commission issued a notice of proposed rulemaking on December 7, 2010 (the ''Initial Proposal''). On January 9, 2012, the Commission issued a final rule regarding Real-Time Public Reporting of Swap Transaction Data adopting several provisions contained in the Initial Proposal (the ''Real-Time Reporting Final Rule''). The Real-Time Reporting

[1] *See* Public Law 111–203, 124 Stat. 1376 (2010).

[2] The short title of Title VII of the Dodd-Frank Act is the ''Wall Street Transparency and Accountability Act of 2010.''

[3] *See* 7 U.S.C. 1 et seq.

[4] *See generally* CEA section 2(a)(13), 7 U.S.C. 2(a)(13).

[5] CEA section 2(a)(13)(A).

[6] Section 2(a)(13)(E) explicitly refers to the swaps described only in sections 2(a)(13)(C)(i) and 2(a)(13)(C)(ii) of the CEA (*i.e.,* clearable swaps, including swaps that are exempt from clearing). As noted in the Commission's Initial Proposal (as defined below), its Real-Time Reporting Final Rule (as defined below), and its Further Block Proposal (as defined below), the Commission, in exercising its authority under CEA section 2(a)(13)(B) to ''make swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery,'' is authorized to prescribe rules similar to those provisions in section 2(a)(13)(E) to uncleared swaps described in section 2(a)(13)(C)(iii) and (iv) of the CEA.

[7] CEA section 2(a)(13)(E)(iv). Section 5h(f)(2)(C) of the CEA imposes a similar directive upon registered swap execution facilities (''SEF'') by requiring that they set forth rules for block trades for swap execution purposes.

[8] 156 Cong. Rec. S5921 (daily ed. July 15, 2010) (Statement of Sen. Blanche Lincoln).

[9] This provision does not cover swaps that are ''determined to be required to be cleared but are not cleared.'' *See* CEA section 2(a)(13)(C)(iv).

Final Rule, however, did not adopt most of the provisions in the Initial Proposal pertaining to appropriate block sizes and anonymity. Instead, the Commission issued a further notice of proposed rulemaking regarding Procedures to Establish Appropriate Minimum Block Sizes for Large Notional Off-Facility Swaps and Block Trades on March 15, 2012 (the ''Further Block Proposal'').[10] Each of these issuances is described more fully below.

B. The Initial Proposal

1. Overview

On December 7, 2010, the Commission published in the **Federal Register** a notice of proposed rulemaking to implement section 2(a)(13) of the CEA, which included specific provisions pursuant to sections 2(a)(13)(E)(i)–(iv) and 2(a)(13)(C)(iii).[11] In this Initial Proposal, the Commission set out proposed provisions to satisfy, among other things, the statutory requirements discussed above regarding minimum block sizes and anonymity protections. With respect to the first statutory requirement, the Commission proposed: (1) Definitions for the terms ''large notional off-facility swap'' and ''block trade'';[12] (2) a method for determining the appropriate minimum block sizes for large notional off-facility swaps and block trades;[13] and (3) a framework for timely reporting of such transactions and trades.[14] Proposed § 43.5(g) provided that registered swap data repositories (''SDRs'') would be responsible for calculating the appropriate minimum block size for each ''swap instrument'' using the greater result of the distribution test[15] and the multiple test.[16] Proposed § 43.2(y) broadly defined ''swap instrument'' as ''a grouping of swaps in the same asset class with the same or similar characteristics.''[17] Proposed § 43.5(h) provided that for any swap listed on a swap execution facility (''SEF'') or designated contract market (''DCM''), the SEF or DCM must set the appropriate minimum block trade size at a level at or above that established by an SDR for the relevant swap instrument.[18]

With respect to anonymity, the Initial Proposal set forth several provisions to address issues pertinent to protecting the identities of parties to a swap. Essentially, these proposed provisions sought to protect the identities of parties to a swap through the limited disclosure of information and data relevant to the swap. In particular, proposed § 43.4(e)(1) in the Initial Proposal provided that an SDR could not publicly report swap transaction and pricing data in a manner that discloses or otherwise facilitates the identification of a party to a swap. Proposed § 43.4(e)(2) would have placed a requirement on SEFs, DCMs and reporting parties to provide an SDR with a specific description of the underlying asset and tenor of a swap. This proposed section also included a qualification with respect to the reporting of the specific description. In particular, this section provided that ''[the] description must be general enough to provide anonymity but specific enough to provide for a meaningful understanding of the economic characteristics of the swap.''[19] This qualification would have applied to all swaps.

In the Initial Proposal, the Commission acknowledged that swaps that are executed on or pursuant to the rules of a SEF or DCM do not raise the same level of concerns in protecting the identities, business transactions or market positions of swap counterparties since these swaps generally lack customization.[20] As a result, the Commission provided that SEFs and DCMs should tailor the description required by proposed § 43.2(e) depending on the asset class and place of execution of each swap.

In contrast, the Commission acknowledged that the public dissemination of a description of the specific underlying asset and tenor of swaps that are not executed on or pursuant to the rules of a SEF or DCM (*i.e.,* swaps that are executed bilaterally) may result in the unintended disclosure of the identities, business transactions or market positions of swap counterparties, particularly for swaps in the other commodity asset class.[21] To address this issue, the Commission proposed in § 43.4(e)(2) that an SDR publicly disseminate a more general description of the specific underlying asset and tenor.[22] In the Initial Proposal, the Commission provided a hypothetical example of how an SDR could mask or otherwise protect the underlying asset from public disclosure

[10] *See* Procedures to Establish Appropriate Minimum Block Sizes for Large Notional Off-Facility Swaps and Block Trades, 77 FR 15,460, Mar. 15, 2012.

[11] *See* Real-Time Public Reporting of Swap Transaction Data, 75 FR 76139, Dec. 7, 2010, as corrected in Real-Time Public Reporting of Swap Transaction Data Correction, 75 FR 76930, Dec. 10, 2010. Interested persons are directed to the Initial Proposal for a full discussion of each of the proposed part 43 rules.

[12] The Initial Proposal defined the term ''large notional swap.'' *See* proposed § 43.2(l), 75 FR 76171. The Real-Time Reporting Final Rule finalized the term as ''large notional off-facility swap,'' to denote, in relevant part, that the swap is not executed pursuant to a SEF or designated contract market's (''DCM'') rules and procedures. *See* § 43.2, 77 FR 1182, 1244, Jan. 9, 2012. Specifically, the Real-Time Reporting Final Rule defined the term as an ''off-facility swap that has a notional or principal amount at or above the appropriate minimum block size applicable to such publicly reportable swap transaction and is not a block trade as defined in § 43.2 of the Commission's regulations.'' *Id.* Throughout this final rulemaking, the Commission uses the term ''large notional off-facility swap'' as adopted in the Real-Time Reporting Final Rule.

The Initial Proposal's definition of ''block trade'' was similar to the final definition in the Real-Time Reporting Final Rule. *See* proposed § 43.2(f), 75 FR 76171. The Real-Time Reporting Final Rule defines the term ''block trade'' as a publicly reportable swap transaction that: ''(1) [i]nvolves a swap that is listed on a SEF or DCM; (2) [o]ccurs away from the [SEF's or DCM's] trading system or platform and is executed pursuant to the [SEF's or DCM's] rules and procedures; (3) has a notional or principal amount at or above the appropriate minimum block applicable to such swap; and (4) [i]s reported subject to the rules and procedures of the [SEF or DCM] and the rules described in [part 43], including the appropriate time delay requirements set forth in § 43.5.'' *See* § 43.2, 77 FR 1243.

[13] *See* proposed § 43.5, 75 FR 76174–76.

[14] Proposed § 43.5(k)(1) in the Initial Proposal provided that the time delay for the public dissemination of data for a block trade or large notional off-facility swap shall commence at the time of execution of such trade or swap. *See* 75 FR 76176. Proposed § 43.5(k)(2) provided that the time delay for standardized block trades and large notional off-facility swaps (*i.e.,* swaps that fall under CEA Section 2(a)(13)(C)(i) and (iv)) would be 15 minutes from the time of execution. *Id.* The Initial Proposal did not provide specific time delays for large notional off-facility swaps (*i.e.,* swaps that fall under Section 2(a)(13)(C)(ii) and (iii)). Instead, proposed § 43.5(k)(3) provided that the time delay for such swaps shall be reported subject to a time delay that may be prescribed by the Commission. *Id.*

The Real-Time Reporting Final Rule established time delays for the public dissemination of block trades and large notional off-facility swaps in § 43.5. *See* 77 FR 1247–49.

[15] The distribution test, described in proposed § 43.5(g)(1)(i) of the Initial Proposal, required that an SDR take the rounded transaction sizes of all trades executed over a period of time for a particular swap instrument and create a distribution of those trades. An SDR would then determine the minimum threshold amount as an amount that is greater than 95 percent of the notional or principal transaction sizes for the swap instrument for an applicable period of time. *See* 75 FR 76175.

[16] The multiple test, described in proposed § 43.5(g)(1)(ii) in the Initial Proposal, required that an SDR multiply the block trade multiple by the ''social size'' of a particular swap instrument. Proposed § 43.2(x) defined ''social size'' as the greatest of the mean, median or mode transaction size for a particular swap instrument. The Commission proposed a block trade multiple of five. *Id.*

[17] *See* proposed § 43.2(y), 75 FR 76172.

[18] *See* 75 FR 76176.

[19] *See* 75 FR 76174.

[20] *See* 75 FR 76151 (''In contrast, for those swaps that are executed on a swap market, the Commission believes that since such contracts will be listed on a particular trading platform or facility, it will be unlikely that a party to a swap could be inferred based on the reporting of the underlying asset and therefore parties to swaps executed on swap markets must report the specific underlying assets and tenor of the swap.'').

[21] *See* 75 FR 76150–51.

[22] *See* 75 FR 76174.

in a manner too specific so as to divulge the identity of a swap counterparty. The Commission, however, did not set forth a specific manner in which SDRs should carry out this requirement.[23]

To further protect the identities, business transactions or market positions of swap counterparties, proposed § 43.4(i) of the Initial Proposal included a rounding convention for all swaps, which included a ''notional cap'' provision. The proposed notional cap provision provided, for example, that if the notional size of a swap is greater than $250 million, then an SDR only would publicly disseminate a notation of ''$250+'' rather than the actual notional size of the swap.[24]

The Commission issued the Initial Proposal for public comment for a period of 60 days, but later reopened the comment period for an additional 45 days.[25] After issuing the Initial Proposal, the Commission received 105 comment letters and held 40 meetings with interested parties regarding the proposed provisions.[26]

2. Public Comments in Response to the Initial Proposal

The commenters to the Initial Proposal provided general and specific comments relating to the proposed provisions regarding the determination of appropriate minimum block sizes and anonymity protections for the identities, business transactions and market positions of swap counterparties.[27] The comments submitted regarding the Initial Proposal's provisions regarding appropriate minimum block sizes and anonymity protections are summarized in detail in the Further Block Proposal.[28]

Following the close of the comment period for the Initial Proposal, the Commission took several actions in consideration of the comments received regarding the proposed methodology to determine appropriate minimum block sizes, the proposed anonymity protections and the proposed implementation approach.[29] A discussion of the Commission's actions and their impact on the Further Block Proposal is set out immediately below.

C. Issuance of the Real-Time Reporting Final Rule

In consideration of the public comments submitted in response to the Initial Proposal, the Commission obtained and analyzed swap data in order to better understand the trading activity of swaps in certain asset classes.[30] The Commission also reviewed additional information, including a study pertaining to the mandatory trade execution requirement and post-trade transparency concerns that arose out of two of the Commission's proposed rulemakings,[31] as well as a report issued by two industry trade associations on block trade reporting in the swaps market.[32] In addition, the Commission and the Securities and Exchange Commission (''SEC'') held a two-day public roundtable on Dodd-Frank Act implementation on May 2–3, 2011 (''Public Roundtable'').[33] During the Public Roundtable and in comment letters submitted in support thereof, interested parties recommended that the Commission adopt a phased-in approach with respect to establishing block trade rules.

On January 9, 2012, the Commission issued the Real-Time Reporting Final Rule, finalizing several provisions that were proposed in the Initial Proposal.[34] Those provisions implement, among other things: (1) Several definitions proposed in the Initial Proposal relevant to this final rule, including ''asset class''; [35] (2) the scope of part 43; (3) the reporting responsibilities of the parties to each swap; (4) the requirement that SDRs publicly disseminate swap transaction and pricing data; (5) the data fields that SDRs will publicly disseminate; (6) the time-stamping and recordkeeping requirements of SDRs, SEFs, DCMs and the ''reporting party'' to each swap; [36] (7) the interim time delays for public dissemination and the time delays for public dissemination of large notional off-facility swaps and block trades; and (8) interim notional cap sizes for all swaps that are publicly disseminated.[37] Based on commenters' recommendations, however, the Commission did not adopt proposed § 43.5 and stated its intent to re-propose a calculation methodology for appropriate minimum block sizes based on additional data and analysis in a separate rulemaking.[38]

D. Further Block Proposal

On March 15, 2012, the Commission issued for comment the Further Block Proposal.[39] Based on the public comments received in response to the Initial Proposal, and in order to successfully implement the real-time public reporting regulatory framework

[23] *See* 75 FR 76150. The Initial Proposal further provided that the requirement in proposed § 43.4(e)(2) was separate from the requirement that a reporting party report swap data to an SDR pursuant to section 2(a)(13)(G) of the CEA. See 75 FR 76174.

[24] *See* 75 FR 76152.

[25] The initial comment period for the Initial Proposal closed on February 7, 2011. The comment periods for most proposed rulemakings implementing the Dodd-Frank Act—including the proposed part 43 rules—subsequently were reopened for the period of April 27 through June 2, 2011.

[26] The interested parties who either submitted comment letters or met with Commission staff included end-users, potential swap dealers, asset managers, industry groups/associations, potential SDRs, a potential SEF, multiple law firms on behalf of their clients and a DCM. Of the 105 comment letters submitted in response to the Initial Proposal, 42 letters focused on various issues relating to block trades and large notional off-facility swaps. Of the 40 meetings, five meetings focused on various issues relating to block trades and large notional off-facility swaps. All comment letters received in response to the Initial Proposal may be found on the Commission's Web site at: *http://comments.cftc.gov/PublicComments/CommentList.aspx?id=919*.

[27] A list of the full names and abbreviations of commenters who responded to the Initial Proposal and who the Commission refers to in the Further Block Proposal is included in section VI below. As noted above, letters from these commenters and others submitted in response to the Initial Proposal are available through the Commission's Web site at: *http://comments.cftc.gov/PublicComments/CommentList.aspx?id=919*.

[28] *See* Further Block Proposal at 77 FR 15463–66.

[29] Commission staff also consulted with the staffs of several other federal financial regulators in connection with the issuance of the Further Block Proposal.

[30] A detailed discussion of Commission staff's review and analysis process is set out below in sections II.A.1.b.i. and c.i.

[31] *See* ISDA, Costs and Benefits of Mandatory Electronic Execution Requirements for Interest Rate Products, 24 (ISDA Discussion Paper No. 2, Nov. 2011), available at *http://www2.isda.org/attachment/Mzc0NA==/ISDA%20Mandatory%20Electronic%20Execution%20Discussion%20Paper.pdf*. This paper cited the Commission's notice of proposed rulemaking with respect to SEFs (Core Principles and Other Requirements for Swap Execution Facilities, 76 FR 1214, 1220, Jan. 7, 2011) and the Initial Proposal.

[32] *See* ISDA and SIFMA, Block trade reporting over-the-counter derivatives markets, 6 (Jan. 2011), available at *http://www.isda.org/speeches/pdf/Block-Trade-Reporting.pdf*.

[33] *See* Joint Public Roundtable on Issues Related to the Schedule for Implementing Final Rules for Swaps and Security-Based Swaps Under the Dodd-Frank Wall Street Reform and Consumer Protection Act, 76 FR 23211, Apr. 26, 2011. A copy of the transcript is accessible at: *http://www.cftc.gov/ucm/groups/public/@newsroom/documents/file/csjac_transcript050211.pdf*.

[34] *See* 77 FR 1182.

[35] The Real-Time Reporting Final Rule includes final definitions for the following terms: (1) block trade; (2) large notional off-facility swap; (3) appropriate minimum block size; and (4) asset class. As noted above, the Real-Time Reporting Final Rule did not define the term swap instrument. This final rule adopts a new term, swap category, which groups swaps for the purpose of determining whether a swap transaction qualifies as a large notional off-facility swap or block trade. *See* note 17 supra.

[36] *See* § 43.2 of the Commission's regulations. 77 FR 1244. The Real-Time Reporting Final Rule finalized the definition of ''reporting party'' as a ''party to a swap with the duty to report a publicly reportable swap transaction in accordance with this part [43] and section 2(a)(13)(F) of the [CEA].'' 77 FR 1244.

[37] *See* 77 FR 1244.

[38] *See* 77 FR 1185.

[39] *See* 77 FR 15460.

established in the Real-Time Reporting Final Rule, the Commission proposed provisions in the Further Block Proposal that: (1) Specify the criteria for determining swap categories and methodologies for determining the appropriate minimum block sizes for large notional off-facility swaps and block trades; and (2) provide increased protections to the identities of swap counterparties to large swap transactions and certain other commodity swaps, which were not fully addressed in the Real-Time Reporting Final Rule.[40]

1. Policy Goals

In section 2(a)(13) of the CEA, Congress intended that the Commission consider both the benefits of enhanced market transparency and the effects such transparency would have on market liquidity.[41] Section 2(a)(13)(E)(iv) of the CEA places constraints on the requirements for the real-time public reporting of swap transaction and pricing data by mandating that the Commission shall ''take into account whether the public disclosure [of swap transaction and pricing data] will materially reduce market liquidity.''[42] While the Commission anticipates that the public dissemination of swap transaction and pricing data will generally reduce costs associated with price discovery and prevent information asymmetries between market makers and end-users,[43] it also believes that the benefits of enhanced market transparency are not boundless, particularly in swap markets with limited liquidity.

The Commission understands that the publication of detailed information regarding ''outsize swap transactions''[44] could expose swap counterparties to higher trading costs.[45] In this regard, the publication of detailed information about an outsize swap transaction may alert the market to the possibility that the original liquidity provider to the outsize swap transaction will be re-entering the market to offset that transaction.[46] Other market participants might be alerted to the liquidity provider's need to offset risk and therefore would have a strong incentive to exact a premium from the liquidity provider. As a result, liquidity providers possibly could be deterred from becoming counterparties to outsize swap transactions if swap transaction and pricing data is publicly disseminated before liquidity providers can offset their positions. The Commission anticipates that, in turn, this result could negatively affect liquidity in the swaps market.

In consideration of these potential outcomes, the Further Block Proposal sought to provide maximum public transparency, while taking into account the concerns of liquidity providers regarding possible reductions in market liquidity. To do so, the Further Block Proposal established the following more detailed criteria: (1) Swap categories (relative to the definition of swap instrument in the Initial Proposal); (2) a phased-in approach to determining appropriate minimum block sizes for block trades and large notional off-facility swaps; and (3) anonymity provisions for the public reporting of transaction data. A summary of the Commission's proposed approach is provided below.

2. Summary of Proposed Approach

The Commission proposed a two-period, phased-in approach to implement regulations for determining appropriate minimum block sizes.[47] Specifically, the Commission proposed phasing-in minimum block sizes during an initial period and setting them thereafter on an ongoing basis (*i.e.,* the post-initial period) so that market participants could better adjust their swap trading strategies to manage risk, secure new technologies and make necessary arrangements in order to comply with part 43 reporting requirements. The Commission proposed two provisions relating to the Commission's determination of appropriate minimum block sizes: (1) Initial appropriate minimum block sizes under proposed § 43.6(e); and (2) post-initial appropriate minimum block sizes under proposed § 43.6(f).

In proposed § 43.6(e), the Commission proposed establishing initial appropriate minimum block sizes for each category of swaps within the interest rate, credit, foreign exchange (''FX'') and other commodity asset classes.[48] The Commission listed the prescribed initial appropriate minimum block sizes in proposed appendix F to part 43 based on these swap categories.[49] For interest rate and credit swaps, the Commission reviewed actual market data and prescribed initial appropriate minimum block sizes for swap categories in these asset classes

[40] In several places in the Real-Time Reporting Final Rule, the Commission stated that it planned to address these requirements in a separate, forthcoming release. *See, e.g.,* 77 FR 1185, 1191, 1193 and 1217. The Further Block Proposal was that release.

[41] In considering the benefits and effects of enhanced market transparency, the Commission notes that the ''guiding principle in setting appropriate block trade levels [is that] the vast majority of swap transactions should be exposed to the public market through exchange trading.'' Congressional Record—Senate, S5902, S5922 (July 15, 2010).

[42] CEA section 2(a)(13)(E)(iv). *See also* CEA section 5h(f)(2)(C) (concerning the treatment of block trades on SEFs for trade execution purposes).

[43] *See e.g.,* CEA section 2(a)(13)(B) (''The purpose of this section is to authorize the Commission to make swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery.'').

[44] As used in the Further Block Proposal and this final rule, an ''outsize swap transaction'' is a transaction that, as a function of its size and the depth of the liquidity of the relevant market (and equivalent markets), leaves one or both parties to such transaction unlikely to transact at a competitive price.

[45] Consistent with this final rule, the Commission clarified in the SEF final rule that a swap transaction qualifies as a block trade based on the size of the swap transaction, not based on whether the swap is subject to the trade execution requirement under section 2(h)(8) of the CEA. *See* Core Principles and Other Requirements for Swap Execution Facilities, p. 72 (May 16, 2013)]. In § 37.200 of the Commission's regulations, the Commission has codified the statutory text of SEF Core Principle 2 under section 5h(f)(2)(C) of the CEA, which requires a SEF to establish rules governing the operation of its trading facility, including trading procedures for block trades. 17 CFR 37.200(c). Similarly, the Commission's proposed rulemaking regarding core principles and other requirements for DCMs under § 38.504 of the Commission's regulations, the Commission requires DCMs to adopt rules that comply with all of the provisions of part 43, including the block trade provisions finalized herein. Core Principles and Other Requirements for Designated Contract Markets, 75 FR 80572, 80617 (Dec. 22, 2010).

[46] The price of such a transaction would reflect market conditions for the underlying commodity or reference index and the liquidity premium for executing the swap transaction. The time delays in part 43 of the Commission's regulations will protect end-users and liquidity providers from the expected price impact of the disclosure of publicly reportable swap transactions. Trading that exploits the need of traders to reduce or offset their positions has been defined in financial economics literature as ''predatory trading.'' *See e.g.,* Markus Brunnermeier and Lasse Heje Pedersen, Predatory Trading, Journal of Finance LX 4, Aug. 2005, available at *http://pages.stern.nyu.edu/~lpederse/papers/predatory_trading.pdf.*

[47] The Commission proposed the same phased-in approach for determining cap sizes, which help to protect the anonymity of counterparties' market positions and business transactions as required in the CEA. For a more detailed discussion of the Commission's proposed approach with respect to cap sizes, *see* section III.B.

The two-period, phased-in approach would become effective after the implementation of the part 43 provisions in the Real-Time Reporting Final Rule. Until the date on which the proposed provisions in the Further Block Proposal become effective, all swaps would be subject to a time delay pursuant to the provisions in part 43.

[48] The Commission proposed that swaps in the equity asset class do not qualify as block trades and large notional off-facility swaps. *See* proposed § 43.6(d). Otherwise, the Commission proposed prescribing swap categories for each asset class as set forth in proposed § 43.6(b). These swap categories would remain the same during the initial and post-initial periods.

[49] The Commission notes SEFs and DCMs would not be prohibited under the Further Block Proposal from setting block sizes for swaps at levels that are higher than the appropriate minimum block sizes as determined by the Commission.

based on that data. For the other asset classes, the Commission did not have access to relevant market data. As such, during the initial period, the Commission proposed using a methodology based on whether a swap or swap category is ''economically related'' to a futures contract.[50] Swaps and swap categories that are not economically related to a futures contract would remain subject to a time delay (*i.e.,* treated as block trades or large notional off-facility swaps, as applicable, regardless of notional amount) during the initial period.

In proposed § 43.6(f)(1), the Commission provided that the duration of this initial period would be no less than one year after an SDR started collecting reliable data for a particular asset class as determined by the Commission. During the initial period, the Commission would review reliable data for each asset class. For the purposes of this proposed provision, reliable data would include all data collected by an SDR for each asset class in accordance with the compliance chart in the adopting release to part 45 of the Commission's regulations.[51]

The Commission stated in the Further Block Proposal and is currently of the view that data is per se reliable if it is collected by an SDR for an asset class after the respective compliance date for such asset class as set forth in part 45 of the Commission's regulations or by other Commission action. The Commission notes that SDRs have been collecting data pursuant to the compliance dates for certain market participants and asset classes since December 2012. DCMs and Swap Dealers (''SDs'') began reporting swap transactions in the interest rate and credit default swap asset classes on December 31, 2012.[52] DCMs and SDs began reporting swap transactions in the FX, equity, and other commodity asset classes on February 28, 2013.[53] Major Swap Participants (''MSPs'') began reporting swap transactions in all five asset classes on February 28, 2013.[54] Financial Entities began reporting swap transactions in the interest rate and credit default swap asset classes on April 10, 2013.[55] Financial Entities begin reporting swap transactions for swaps executed starting April 10, 2013, in the FX, equity, and other commodity asset classes on May 29, 2013.[56] Non-SDs, non-MSPs, and non-Financial Entities begin reporting swap transactions for swaps executed starting April 10, 2013, in the interest rate and credit default swap asset classes on July 1, 2013.[57] Non-SDs, non-MSPs, and non-Financial Entities begin reporting swap transactions for swaps executed starting April 10, 2013, in the FX, equity, and other commodity asset classes on August 19, 2013.[58] Accordingly, the Commission and SDRs will have one year of reliable data as of April 10, 2014.

The proposed initial period would expire following the publication of a Commission determination of post-initial appropriate minimum block sizes in accordance with the publication process set forth in proposed § 43.6(f)(4) and (5). Thereafter, the Commission would set post-initial appropriate minimum block sizes for swap categories no less than once each calendar year using the calculation methodology set forth in proposed § 43.6(c)(1).[59]

The Commission also proposed special rules for determining appropriate minimum block sizes in certain instances. In particular, in proposed § 43.6(d), the Commission prescribed special rules for swaps in the equity asset class. In proposed § 43.6(h), the Commission proposed establishing special rules for determining appropriate minimum block sizes in certain circumstances including, for example, rules for converting currencies and rules for determining whether a swap with optionality qualifies for block trade or large notional off-facility swap treatment.[60]

In the Further Block Proposal's proposed amendments to § 43.4(h) and 43.4(d)(4), the Commission also prescribed measures to fulfill the CEA's anonymity requirements in connection with the public dissemination of publicly reportable swap transactions. The Commission proposed adopting the practices used by most federal agencies when releasing to the public company-specific information—by removing obvious identifiers, limiting geographic detail (*e.g.,* disclosing general, non-specific geographical information about the delivery and pricing points) and masking high-risk variables by truncating extreme values for certain variables (*e.g.,* capping notional values).[61]

3. Overview of Comments Received

The Commission received comments from 35 interested parties representing a broad range of interests including: financial end-users, swap dealers, asset managers, industry groups/associations, potential SEFs, and a DCM.[62] Some commenters expressed general support for the Further Block Proposal's provisions regarding minimum block sizes and anonymity; others objected to particular aspects of the Further Block Proposal and/or offered recommendations for clarification or modification of specific proposed regulations.

In addition to a general solicitation for comment on all aspects of the Further Block Proposal, the Commission requested comment on a number of specific, focused questions related to particular provisions. For example, commenters were asked to address issues related to: (i) The appropriate criteria for determining swap categories in the five asset classes; (ii) the appropriate methodology for determining appropriate minimum block sizes for swaps in the five asset classes; (iii) whether and how a phase-in of block thresholds should be implemented; (iv) special rules with respect to swaps with optionality, swaps with composite reference prices, physical commodity swaps, currency conversions, and successor currencies; (v) the role of SEFs and DCMs in

[50] *See infra* notes 169–174 and accompanying text.

[51] *See* Swap Data Recordkeeping and Reporting Requirements, 77 FR 2136, 2196, Jan. 13, 2012.

[52] *See* ''Commission Q & A—On the Start of Swap Data Reporting'' (Oct. 9, 2012).

[53] *See* ''No-Action Relief for Swap Dealers from Certain Swap Data Reporting Requirements of Part 43, Part 45, and Part 46 of the Commission's Regulations Due to Effects of Hurricane Sandy,'' Commission Letter No. 12–41 (Dec. 5, 2012).

[54] *See id.*

[55] *See* ''Time-Limited No-Action Relief for Swap Counterparties that are not Swap Dealers or Major Swap Participants, from Certain Swap Data Reporting Requirements of Parts 43, 45 and 46 of the Commission's Regulations,'' Commission Letter No. 13–10 (Apr. 9, 2013).

[56] *See id.*

[57] *See id.*

[58] *See id.*

[59] In particular, the Commission proposed a 67-percent notional amount calculation, which is discussed in more detail in section II.B.3.

[60] *See infra* Section II.B.6. for a discussion of the special rules.

[61] The Commission proposed to follow the necessary procedures for releasing microdata files as outlined by the Federal Committee on Statistical Methodology: (i) Removal of all direct personal and institutional identifiers, (ii) limiting geographic detail, and (iii) top-coding high-risk variables which are continuous. *See* Federal Committee on Statistical Methodology, Report on Statistical Disclosure Limitation Methodology 94 (Statistical Policy Working Paper 22, 2d ed. 2005), *http://www.fcsm.gov/working-papers/totalreport.pdf.* The report was originally prepared by the Subcommittee on Disclosure Limitation Methodology in 1994 and was revised by the Confidentiality and Data Access Committee in 2005.

[62] A list of the full names and abbreviations of commenters who responded to the Further Block Proposal is included in section VIII below. As noted above, letters from these commenters and others submitted in response to the Initial Proposal are available through the Commission's Web site at *http://comments.cftc.gov/PublicComments/CommentList.aspx?id=919.*

determining appropriate minimum block sizes for swaps that they list; (vi) the process by which the Commission would notify the public of appropriate minimum block sizes; (vii) the process through which a qualifying swap transaction would be treated as a block trade or large notional off-facility swap; (viii) the appropriate methodology for determining the maximum limit of the principal, notional amount of a swap that is publicly disseminated; (ix) appropriate anonymity protections for the public dissemination of publicly reportable swap transactions in the other commodity asset class.

The Commission also requested comment with respect to the cost-benefit considerations in the Further Block Proposal and specifically requested commenters to provide a feasible alternative approach to establishing minimum block sizes that would impose less regulatory burden on swap market participants and the general public. Commenters also were expressly invited to provide data regarding the direct and indirect quantifiable costs with the proposed criteria for establishing minimum block thresholds.

4. Additional Proposal Regarding Aggregation of Blocks

Among the requirements contained in the Initial Proposal, proposed § 43.5(b)(1) provided that eligible parties to a block trade (or large notional swap) must be Eligible Contract Participants (''ECPs''), except that a DCM may allow a Commodity Trading Advisor (''CTA''), investment advisor, or foreign person meeting certain criteria to transact block trades for customers who are not ECPs. Further, proposed § 43.5(m) prohibited aggregation of orders for different trading accounts in order to satisfy the appropriate minimum block size requirement, except if done so on a DCM by a CTA, investment adviser, or foreign person meeting certain criteria.

After it issued its Further Block Proposal, the Commission determined that the aggregation provision and the provision that specified the eligible parties to a block trade, including the proposed requirement that persons transacting block trades on behalf of customers must receive prior written consent to do so, were inadvertently omitted from the Further Block Proposal. These provisions were then the subject of a separate notice of proposed rulemaking issued on June 27, 2012 (''Proposed Aggregation Rule'').[63]

The Commission received a total of nine comment letters in response to the proposed rules regarding eligible parties to a block trade and aggregation of orders. Four of the letters responded to the Initial Proposal and five letters responded to the Proposed Aggregation Rule. Many of the comments received applied equally to the same provisions contained in both proposed § 43.6(h)(6) and 43.6(i), which address the aggregation of orders and the eligible parties to a block trade.

II. Procedures To Establish Appropriate Minimum Block Sizes for Large Notional Off-Facility Swaps and Block Trades—Final Rules

A. Criteria for Distinguishing Among Swap Categories in Each Asset Class

In the Further Block Proposal, the Commission proposed to use the term ''swap category'' to convey the concept of a grouping of swap contracts that would be subject to a common appropriate minimum block size.[64] Specifically, the Commission proposed specific criteria for defining swap categories in each asset class. As adopted in the Real-Time Reporting Final Rule, § 43.2 of the Commission's regulations defines ''asset class'' as ''a broad category of commodities, including, without limitation, any 'excluded commodity' as defined in section 1a(19) of the [CEA], with common characteristics underlying a swap.''[65] Section 43.2 also identifies the following five swap asset classes: Interest rates;[66] equity; credit; FX;[67] and other commodities.[68]

The proposed swap category criteria are intended to address the following two policy objectives: (1) Categorizing together swaps with similar quantitative or qualitative characteristics that warrant being subject to the same appropriate minimum block size; and (2) minimizing the number of the swap categories within an asset class in order to avoid unnecessary complexity in the determination process.[69] In the Commission's view, balancing these policy objectives and considering the characteristics of different types of swaps within an asset class are necessary in establishing appropriate criteria for determining swap categories within each asset class. The five asset classes established by the Commission in the Real-Time Reporting Final Rule are discussed briefly in the paragraph below, followed by a discussion of the proposed swap category criteria for each asset class.

In the Further Block Proposal, the Commission proposed breaking down each asset class into separate swap categories to determine appropriate minimum block sizes for such categories. During the initial and post-initial periods, the Commission would group swaps in the five asset classes into the prescribed swap categories as set forth in proposed § 43.6(b).

[63] Rules Prohibiting the Aggregation of Orders to Satisfy Minimum Block Sizes or Cap Size Requirements, and Establishing Eligibility Requirements for Parties to Block Trades, 77 FR 38229, June 27, 2012.

[64] Proposed § 43.6(b) does not set out a definition for the term ''swap category.'' Instead, proposed § 43.6(b) sets out the provisions that group swaps within each asset class with common risk and liquidity profiles, as determined by the Commission.

[65] *See* § 43.2, 77 FR 1243.

[66] In the Real-Time Reporting Final Rule, the Commission determined that cross-currency swaps are a part of the interest rate asset class. *See* 77 FR 1193. The Commission noted that this determination is consistent with industry practice.

[67] The U.S. Department of the Treasury (''Treasury'') has issued a Final Determination, pursuant to sections 1a(47)(E)(i) and 1b of the CEA, that exempts FX swaps and FX forwards from the definition of ''swap'' under the CEA. Therefore, the requirements of section 2(a)(13) of the CEA would not apply to those transactions, and such transactions would not be subject to part 43 of the Commission's regulations. *See* Determination of Foreign Exchange Swaps and Foreign Exchange Forwards under the Commodity Exchange Act, 77 FR 69694, Nov. 20, 2012. Nevertheless, section 1a(47)(E)(iii) of the CEA provides that FX swaps and FX forwards transactions still are not excluded from regulatory reporting requirements to an SDR. Further, the Commission notes that Treasury's final determination excludes FX swaps and FX forwards, but does not apply to FX options or non-deliverable FX forwards. As such, FX instruments that are not covered by Treasury's final determination are subject to part 43 of the Commission's regulations.

[68] The Real-Time Reporting Final Rule defines the term ''other commodity'' to mean any commodity that is not categorized in the other asset classes as may be determined by the Commission. *See* 77 FR 1244. The definition of asset class in § 43.2 also provides that the Commission may later determine that there are other asset classes not identified currently in that section. *See* 77 FR 1243.

[69] These objectives are specific to the determination of appropriate swap category criteria and are intended to promote the general policy goals described above in section I.D.1.

Twenty-one commenters addressed the Further Block Proposal's use of swap categories.[70] The vast majority of the comments did not question the use of swap categories generally, and focused on the specific criteria proposed for determining swap categories within each asset class instead. Better Markets and ICI expressly supported the Commission's proposed use of swap categories.[71] Better Markets stated that ''the concept of a 'swap category' is useful, in that it allows greater granularity than the far broader notion of 'asset class.' '' [72] ICI ''support[ed] the CFTC's proposal to establish categories of swaps within different asset classes that would be subject to a common appropriate minimum block size to better calibrate the block thresholds to the relative liquidity of the swap categories in each asset class.'' [73] ICAP, however, disagreed with the Commission's use of swap categories and stated that ''the Commission's proposal is mistaken in its use of 'swap categories' . . . as opposed to using the standard liquid tenors of swap contracts.'' [74]

After consideration of the comments related to the use of swap categories, the Commission is adopting swap categories as proposed in § 43.6, with certain modifications based upon both general concerns expressed by commenters in regard to the use of swap categories, specific concerns raised in regard to the criteria for determining swap categories within each asset class, and other relevant market developments.[75] The following sections address the comments regarding specific asset classes and set out, where appropriate, the Commission's responsive modifications of the swap categories approach.

1. Interest Rate and Credit Asset Classes

a. Background

The Commission was able to obtain and review non-public swap data to make inferences about patterns of trading activity, price impact and liquidity in the markets for swaps in the interest rate and credit asset classes. Based on that review, the Commission proposed criteria for determining swap categories in these two asset classes. Specifically, the Commission proposed defining swap categories for: (1) Interest rate swaps based on unique combinations of tenor [76] and currency; and (2) credit default swaps (''CDS'') based on unique combinations of tenor and conventional spread.[77]

The Commission obtained transaction-level data for these asset classes from two third-party service providers with the assistance of the Over-the-Counter Derivatives Supervisors Group (''ODSG'').[78] Established in 2005, the ODSG is chaired by the Federal Reserve Bank of New York and is comprised of domestic and international supervisors of representatives from major OTC derivatives market participants.[79] In particular, the ODSG coordinated with the ''G–14 banks'' in order to gain written permission to access the non-public swap data.[80]

MarkitSERV [81] provided the interest rate swap data set. The interest rate swap data set covered transactions confirmed on the MarkitWire platform between June 1, 2010 and August 31, 2010 where at least one party was a G–14 Bank.[82]

The Warehouse Trust Company LLC (''The Warehouse Trust'') provided the CDS data set.[83] The CDS data set covered CDS transactions for a three-month period beginning on May 1, 2010 and ending on July 31, 2010.[84]

The Commission filtered both data sets in order to analyze only transaction-level data corresponding to ''publicly reportable swap transactions,'' as defined in § 43.2 of the Real-Time

[70] *See generally* CL–AFR; CL–AII; CL–Barclays; CL–Better Markets; CL–CME; CL–FIA; CL–GFMA; CL–ICAP; CL–ICAP Energy; CL–ICI; CL–ISDA/SIFMA; CL–Kinetix; CL–MFA; CL–Morgan Stanley; CL–Parascandola; CL–Parity; CL–Pierpont; CL–SDMA; CL–SIFMA; CL–WMBAA; CL–Vanguard.

[71] CL–Better Markets at 5; CL–ICI at 4.

[72] CL–Better Markets at 5.

[73] CL–ICI at 4.

[74] CL–ICAP at 8.

[75] The Commission is using the term ''swap category'' instead of ''swap instrument'' in this final rule. Although the Commission is not adopting a definition of ''swap category,'' the Commission believes that this term groups swap contracts that would be subject to the same appropriate minimum block size based on asset class with common quantitative or qualitative characteristics, *i.e.,* risk and liquidity profiles.

[76] As used in the Further Block Proposal, the tenor of a swap refers to the amount of time from the effective or start date of a swap to the end date of such swap. In circumstances where the effective or start date of the swap was different from the trade date of the swap, the Commission used the later occurring of the two dates to determine tenor.

Two commenters addressed how the Commission should determine tenor for backdated swaps. AFR stated that backdating a swap is the equivalent of a swap with a date of its inception, but with a price that includes an adjustment for the backdating feature of the transaction; AFR wrote that tenor should be determined accordingly. CL–AFR at 5–6. Similarly, ISDA/SIFMA requested that the Commission determine the tenor of a back dated swap as the time from the date of execution of the swap (as opposed to the start date) to the maturity date of the swap. CL–ISDA/SIFMA at 10. After consideration of these comments, the Commission maintains the same approach from the Further Block Proposal.

[77] As generally used in the industry, the term ''conventional spread'' represents the equivalent of a swap dealer's quoted spread (*i.e.,* an upfront fee based on a fixed coupon and using standard assumptions such as auctions and recovery rates). More information regarding the use of this term can be found at Markit, The CDS Big Bang: Understanding the Changes to the Global CDS Contract and North American Conventions, at *http://www.markit.com/cds/announcements/resource/cds_big_bang.pdf,* (Mar. 2009), at 19.

[78] Section 8(a) of the CEA protects non-public, transaction-level data from public disclosure. Section 8(a)(1) provides, in relevant part, that ''the Commission may not publish data and information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers . . . .'' To assist commenters, the Further Block Proposal included various tables and summary statistics depicting the ODSG data in aggregate forms. In the discussion that follows, the Commission additionally has described the methodology it employed in reviewing, analyzing and drawing conclusions based on the ODSG data.

[79] *See* OTC Derivatives Supervisors Group—Federal Reserve Bank of New York, *http://www.ny.frb.org/markets/otc_derivatives_supervisors_group.html* (last visited May 6, 2013). The ODSG was formed ''in order to address the emerging risks of inadequate infrastructure for the rapidly growing market in the credit derivatives . . . .'' The ODSG works directly with market participants to plan, monitor and coordinate industry progress toward collective commitments made by firms.

[80] The G–14 banks are Bank of America-Merrill Lynch; Barclays Capital; BNP Paribas; Citigroup; Credit Suisse; Deutsche Bank AG; Goldman Sachs & Co.; HSBC Group; J.P. Morgan; Morgan Stanley; The Royal Bank of Scotland Group; Societe Generale; UBS AG; and Wells Fargo Bank, N.A.

[81] MarkitSERV is a post-trade processing company wholly owned by Markit. From its formation in 2009 until April 2013, MarkitSERV was jointly owned by Markit and The Depository Trust & Clearing Corporation (''DTCC'').

[82] The interest rate swap data was limited to transactions and events submitted to the MarkitWire platform. MarkitWire is a trade confirmation service offered by MarkitSERV.

[83] The Warehouse Trust, a subsidiary of DTCC DerivSERV LLC, is regulated as a member of the U.S. Federal Reserve System and as a limited purpose trust company by the New York State Banking Department. The Warehouse Trust provides the market with a trade database and centralized electronic infrastructure for post-trade processing of OTC credit derivatives contracts over their entire lifecycle. *See* DTCC, The Warehouse Trust Company, About the Warehouse Trust Company, *http://www.dtcc.com/about/subs/derivserv/warehousetrustco.php*.

[84] The Warehouse Trust data contained ''allocation-level data,'' which refers to transactional data that does not distinguish between isolated transactions and transactions that, although documented separately, comprise part of a larger transaction.

The Commission notes the work of other regulators in aggregating observations believed to be part of a single transaction. *See* Kathryn Chen, et al., Federal Reserve Bank of New York Staff Report, An Analysis of CDS Transactions: Implications for Public Reporting, (Sept. 2011), at 25, *http://www.newyorkfed.org/research/staff_reports/sr517.html*. The Commission notes that this allocation-level information could produce a downward bias in the notional amounts of the swap transactions in the data sets provided by the ODSG. In turn, this downward bias would produce smaller appropriate minimum block trade sizes relative to a data set that, if available with appropriate execution time stamps, would reflect the aggregate notional amount of swaps completed in a single transaction.

Reporting Final Rule.[85] As such, the Commission excluded from its analysis duplicate and non-price forming transactions.[86] The Commission also converted the notional amount of each swap transaction into a common currency denominator, the U.S. dollar.[87]

b. Interest Rate Swap Categories

i. Interest Rate Swap Data Summary

The filtered transaction records in the interest rate swap data set contained 166,847 transactions with a combined notional value of approximately $45.4 trillion dollars.[88] These transactions included trades with a wide range of notional amounts, 28 different currencies, eight product types, 57 different floating rate indexes and tenors ranging from under one week to 55 years. Summary statistics of the filtered interest rate swap data set are presented in Table 1.[89]

[85] ''Publicly reportable swap transaction'' means, unless otherwise provided in part 43: (1) Any executed swap that is an arm's-length transaction between two parties that results in a corresponding change in the market risk position between the two parties; or (2) any termination, assignment, novation, exchange, transfer, amendment, conveyance, or extinguishing of rights or obligations of a swap that changes the pricing of the swap. Examples of an executed swap that do not fall within the definition of publicly reportable swap transaction may include: (1) Certain internal swaps between 100-percent-owned subsidiaries of the same parent entity; and (2) portfolio compression exercises. These examples represent swaps that are not transacted at arm's length, but that do result in a corresponding change in the market risk position between two parties. *See* 77 FR 1244.

[86] The excluded records represented activities such as option exercises or assignments for physical, risk optimization or compression transactions, and amendments or cancellations that were assumed to be mis-confirmed. A transaction was assumed to be mis-confirmed when it was canceled without a fee, which the Commission has inferred was the result of a confirmation correction. The Commission also excluded interest rate transactions that were indicated as assignments, terminations, and structurally excluded records since the Commission was unable to determine if these records were price-forming. The Commission also excluded CDS transactions that were notated as single name transactions. The data sets also included transaction records created for workflow purposes (and therefore redundant), duplicates and transaction records resulting from name changes or mergers.

[87] The Commission calculated the average daily exchange rates between relevant currencies and the U.S. dollar for the three-month period covered by the data. This average daily exchange rate was then applied to the notional amounts for non-U.S. dollar denominated swap transactions.

[88] The Commission only reviewed relevant transaction records in the interest rate swap data set. As noted above, the Commission excluded duplicate and non-price forming transactions from its review. *See supra* note 86 for a list of excluded transaction records.

[89] *See* the International Organization for Standardization (ISO) standard ISO 4217 for information on the currency codes used by the Commission. For information on floating rate indexes, *see also* ISDA, 2006 Definitions (2006), and supplements.

TABLE 1—SUMMARY STATISTICS FOR THE INTEREST RATE SWAP DATA SET BY PRODUCT TYPE, CURRENCY, FLOATING INDEX AND TENOR

	Number of transactions	Percentage of total transactions [90]	Notional amount (billions of USD)	Percentage of total notional amount (%)
Product Type:				
Single Currency Interest Rate Swap	128,658	77	16,276	36
Over Night Index Swap (OIS)	12,816	8	16,878	37
Forward Rate Agreement (FRA)	5,936	4	7,071	16
Swaption	11,042	7	2,256	5
Other	8,395	5	2,909	6
Currency:				
European Union Euro Area euro (EUR)	46,412	28	18,648	41
United States dollar (USD)	50,917	31	11,377	25
United Kingdom pound sterling (GBP)	16,715	10	7,560	17
Japan yen (JPY)	19,502	12	4,253	9
Other	33,301	20	3,553	8
Floating Index:				
USD–LIBOR–BBA	48,651	29	9,411	21
EUR–EURIBOR–Reuters	39,446	24	9,495	21
EUR–EONIA–OIS–COMPOUND	6,517	4	9,122	20
JPY–LIBOR–BBA	19,194	12	4,010	9
GBP–LIBOR–BBA	12,835	8	2,419	5
GBP–WMBA–SONIA–COMPOUND	2,014	1	5,123	11
Other	38,190	23	5,809	13
Tenor: [91]				
1 Month	3,171	2	11,859	26
3 Month	10,229	6	11,660	26
6 Month	2,822	2	1,701	4
1 Year	9,522	6	3,484	8
2 Year	16,450	10	3,347	7
3 Year	9,628	6	1,488	3
5 Year	26,139	16	2,712	6
7 Year	6,599	4	661	1
10 Year	34,000	20	2,746	6
30 Year	9,616	6	448	1
Other	38,671	23	5,284	12
Sample Totals	166,847	100	45,390	100

Table 2 below sets out the notional amounts of the interest rate swap data set organized by product type, currency, floating index and tenor. The table also includes the notional amounts in each percentile of a distribution of the data set.

TABLE 2—NOTIONAL AMOUNTS OF INTEREST RATE SWAP DATA SET ORGANIZED BY PRODUCT TYPE, CURRENCY, FLOATING INDEX AND TENOR

[In millions of USD]

	Mean notional amount	Percentiles						
		5th	10th	25th	50th	75th	90th	95th
Product Type:								
Single Currency Interest Rate Swap	127	4	9	23	52	117	252	438
OIS	1,293	6	13	63	341	1,261	3,784	5,282
FRA	1,168	90	133	266	631	1,039	2,000	3,018
Swaption	204	3	20	50	100	226	500	642
Other	346	*	1	23	89	250	631	1,132
Currency:								
EUR	400	6	15	38	91	249	631	1,617
USD	221	5	12	31	89	200	500	1,000
GBP	435	1	1	15	57	167	755	1,698
JPY	221	11	13	28	57	124	339	790
Other	108	4	6	13	30	78	175	308
Floating Index:								
USD–LIBOR–BBA	192	5	12	30	76	180	500	803

[90] The percentages were rounded to the nearest whole number. Due to the rounding, the total percentages for the listed categories do not add up to exactly 100%.

[91] In producing Table 1, the Commission counted tenors for swaps with an end date within four calendar days of a complete month relative to the swap's start date as ending on the nearest complete month.

TABLE 2—NOTIONAL AMOUNTS OF INTEREST RATE SWAP DATA SET ORGANIZED BY PRODUCT TYPE, CURRENCY, FLOATING INDEX AND TENOR—Continued

[In millions of USD]

	Mean notional amount	Percentiles						
		5th	10th	25th	50th	75th	90th	95th
EUR–EURIBOR–Reuters	241	8	17	38	79	189	416	757
EUR–EONIA–OIS–COMPOUND	1,385	4	10	61	315	1,261	3,784	6,306
JPY–LIBOR–BBA	211	11	12	28	57	113	339	658
GBP–LIBOR–BBA	181	1	4	23	54	151	377	755
GBP–WMBA–SONIA–COMPOUND	2,450	75	113	283	1,509	3,018	6,037	9,055
Other	152	2	4	12	31	88	264	500
Tenor: [92]								
1 Month	3,523	37	252	1,251	2,522	3,784	7,546	12,074
3 Month	1,081	11	38	208	604	1,250	2,000	3,018
6 Month	581	19	49	150	377	747	1,261	1,892
1 Year	348	20	31	70	151	341	755	1,261
2 Year	205	10	16	39	111	243	453	631
3 Year	154	10	16	44	95	169	315	500
5 Year	107	5	9	25	63	113	226	316
7 Year	105	7	13	29	57	113	221	315
10 Year	83	5	10	23	50	95	175	252
30 Year	47	4	7	18	26	50	95	132
Other	249	2	4	15	50	126	340	883

The Commission also analyzed the interest rate swap data set to classify the counterparties into broad groups.[93] The Commission's analysis of the interest rate swap data set revealed that approximately 50 percent of the transactions were between buyers and sellers who were both identified as G–14 banks and that these transactions represented a combined notional amount of approximately $22.85 trillion, or 50 percent of the relevant IRS data set's total combined notional amount.

ii. Summary of Proposed Rule

Based upon the data described above, the Commission proposed § 43.6(b)(1) establishing swap categories in the interest rate asset class based on tenor and underlying currency.

The Commission proposed interest rate swap tenor groupings based on two observations regarding the data in the interest rate swap data set. First, the Commission observed that points of concentrated transaction activity along the yield curve correspond with specific tenors (*e.g.,* three months, six months, one year, two years, etc.). Second, the Commission observed a tendency for the transacted notional amounts to decrease as tenor increased (*e.g.,* longer-dated tenors in the data set generally had lower average notional sizes). Based on these observations, table 3 below details the eight proposed tenor groups for the interest rate asset class.

TABLE 3—PROPOSED TENOR GROUPS FOR INTEREST RATES ASSET CLASS [94]

Tenor group	Tenor greater than	And tenor less than or equal to
1		Three months (107 days).
2	Three months (107 days)	Six months (198 days).
3	Six months (198 days)	One year (381 days).
4	One year (381 days)	Two years (746 days).
5	Two years (746 days)	Five years (1,842 days).
6	Five years (1,842 days)	Ten years (3,668 days).
7	Ten years (3,668 days)	30 years (10,973 days).
8	30 years (10,973 days)	

Similarly, through its analysis of the interest rate swap data set, the Commission found that the currency referenced in a swap explains a significant amount of variation in notional size and, hence, can be used to categorize interest rate swaps [95] The

[92] In producing Table 2, the Commission counted tenors for swaps with an end date within four calendar days of a complete month relative to the swap's start date as ending on the nearest complete month.

[93] MarkitSERV anonymized the identities of the counterparties and indicated whether a G–14 bank was a party to the swap transaction. Summary statistics relating to these anonymous numbers included the following: (1) The total count of unique counterparties was approximately 300; (2) the average notional size of transactions involving two G–14 banks was approximately $280 million; (3) the average notional size of transactions involving both a G–14 bank and a non G–14 bank (which traded at least 100 swap transactions) was approximately $260 million.

[94] The Commission chose to extend the tenor groups about one-half month beyond the commonly observed tenors to group similar tenors together and capture variations in day counts. The Commission added an additional 15 days beyond a multiple of one year to the number of days in each group to avoid ending each group on specific years.

[95] The Commission considered alternative approaches of using the individual floating rate indexes or currencies to determine swap categories in the interest rate asset class. These alternative approaches would have the benefit of being more correlated to an underlying curve than the adopted currency and tenor groupings. The data contained 57 floating rate indexes and 28 currencies, which would result in 456 and 224 categories respectively, after sorting by the eight identified tenor groups. The Commission anticipates, however, that grouping swaps using individual rates or currencies

Commission proposed currency groupings after considering: (1) The swap transaction total notional amounts and transaction volumes of currency groups based on the number of transactions; and (2) the average transaction notional amounts and lack of evidence of large transacted notional amounts or substantial volume of currency groups. After considering these factors, the Commission proposed three currency categories for the interest rate asset class: (1) Super-major currencies, which are currencies with large volume and total notional amounts; [96] (2) major currencies, which generally exhibit moderate volume and total notional amounts; [97] and (3) non-major currencies, which generally exhibit moderate to very low volume and total notional amounts.[98]

Table 4 below summarizes the Commission's three proposed currency swap categories.

TABLE 4—PROPOSED CURRENCY CATEGORIES FOR INTEREST RATES ASSET CLASS

Currency category	Component currencies
Super-Major Currencies	United States dollar (USD), European Union Euro Area euro (EUR), United Kingdom pound sterling (GBP), and Japan yen (JPY).
Major Currencies [99]	Australia dollar (AUD), Switzerland franc (CHF), Canada dollar (CAD), Republic of South Africa rand (ZAR), Republic of Korea won (KRW), Kingdom of Sweden krona (SEK), New Zealand dollar (NZD), Kingdom of Norway krone (NOK) and Denmark krone (DKK).
Non-Major Currencies	All other currencies.

Table 5 below presents details on the sample characteristics of the interest rate swap data set organized by currency and tenor swap categories.

TABLE 5—SAMPLE CHARACTERISTICS OF PROPOSED INTEREST RATE SWAP CATEGORIES [100]

Currency category	Tenor group	Number of transactions	Percent of transactions (%)	Notional (billions of USD)	Percent of total notional (%)
Super-major	1	11,394	7	22,347	50
Super-major	2	2,563	2	1,813	4
Super-major	3	6,277	4	3,302	7
Super-major	4	12,395	7	3,420	8
Super-major	5	32,148	19	4,818	11
Super-major	6	42,675	26	4,220	9
Super-major	7	24,237	15	1,433	3
Super-major	8	1,857	1	56	0
Major	1	2,305	1	1,818	4
Major	2	445	0	124	0
Major	3	2,113	1	302	1
Major	4	2,639	2	226	1
Major	5	5,380	3	293	1
Major	6	3,707	2	129	0
Major	7	704	0	19	0
Major	8	<200	.....	.....	.....
Non-Major	1	403	0	64	0
Non-Major	2	247	0	26	0
Non-Major	3	2,073	1	165	0
Non-Major	4	3,354	2	256	1
Non-Major	5	5,873	4	116	0
Non-Major	6	3,935	2	41	0
Non-Major	7	<200	.....	.....	.....
Non-Major	8	<200	.....	.....	.....

Table 6 below sets out the notional amounts of the interest rate swap data set organized by currency and tenor categories. The table includes the mean notional amount of each currency and tenor category, as well as the notional amounts in each percentile of a distribution of the data set.

would not substantially increase the explanation of variations in notional amounts, while it could result in cells with relatively few observations in some currency-tenor categories. Hence, the Commission does not believe there would be a significant benefit to offset the additional compliance burden that a more granular approach would impose on market participants.

[96] Super-major currencies represent over 92 percent of the total notional amounts and 80 percent of the total transactions in the data set. It is noteworthy that these currencies have well-developed, *i.e.,* liquid futures markets for general interest rates and FX rates.

[97] Major currencies represent about 6 percent of the total notional amount and about 10 percent of the total transactions in the data set. Some of these currencies host liquid futures markets for interest rates, and all exhibit liquid FX markets.

[98] Non-major currencies represent less than two percent of the total notional amount and about 10 percent of the transactions in the data set. These currencies typically do not have corresponding interest rate and FX futures markets.

[99] The Commission selected these currencies for inclusion in the definition of major currencies based on the relative liquidity of these currencies in the interest rate and FX futures markets. The Commission is of the view that this list of currencies is consistent, in part, with the Commission's existing regulations in § 15.03(a), which defines ''major foreign currency'' as ''the currency, and the cross-rates between the currencies, of Japan, the United Kingdom, Canada, Australia, Switzerland, Sweden and the European Monetary Union.'' 17 CFR 15.03(a).

[100] Tables 5 and 6 do not include sample characteristics for swap categories with less than 200 transactions in order to preserve the anonymity of the parties to these transactions.

TABLE 6—NOTIONAL AMOUNTS OF INTEREST RATE SWAP DATA SET ORGANIZED BY THE PROPOSED INTEREST RATE SWAP CATEGORIES

[In millions of USD]

Currency group	Tenor group	Mean	Transactions Percentiles						
			5th	10th	25th	50th	75th	90th	95th
Super-major	1	1,961	10	36	500	1,000	2,260	4,000	6,306
Super-major	2	708	13	41	200	500	883	1,500	2,260
Super-major	3	526	47	75	150	272	565	1,179	1,809
Super-major	4	276	19	43	100	176	304	565	848
Super-major	5	150	9	21	50	100	158	301	482
Super-major	6	99	6	12	30	54	100	204	305
Super-major	7	59	1	5	14	31	63	126	200
Super-major	8	30	0	0	1	13	37	65	118
Major	1	789	80	133	175	312	573	921	1,313
Major	2	279	50	70	120	210	350	480	921
Major	3	143	13	26	52	97	175	264	438
Major	4	86	9	16	33	66	104	184	240
Major	5	54	4	8	19	44	72	109	145
Major	6	35	4	7	13	23	46	72	96
Major	7	27	5	7	11	20	31	49	75
Major	8	<200	.....	.....	.....	.....	.....	.....	.....
Non-major	1	160	19	37	64	129	225	315	450
Non-major	2	106	16	23	39	72	145	233	311
Non-major	3	79	8	22	31	56	102	157	224
Non-major	4	76	6	9	16	27	50	78	108
Non-major	5	20	2	4	8	14	23	39	54
Non-major	6	10	2	2	4	8	13	21	29
Non-major	7	<200	.....	.....	.....	.....	.....	.....	.....
Non-major	8	<200	.....	.....	.....	.....	.....	.....	.....

The Commission received twelve comments regarding the use of tenor to establish swap categories in the interest rate swap asset class. Five commenters expressed support for the Further Block Proposal's suggested tenor buckets.[101] Five other commenters recommended nine tenor buckets straddling the most liquid tenor points as follows: 0–3 months, 3–6 months, 6–18 months, 18 months-3 years, 3–7 years, 7–12 years, 12–20 years, 20–30 years, and more than 30 years.[102] These commenters suggested that these nine tenor groupings would provide greater granularity and avoid grouping together swaps with different levels of liquidity. Similarly, ICI suggested that narrower tenor groupings would provide greater granularity.[103] Kinetix also expressed concern with the proposed tenor buckets, stating that they grouped together products with sharply different trading volumes.[104]

In addition to the comments received regarding the Further Block Proposal, the Commission also considered the research in the Federal Reserve Bank of New York's March 2012 staff report entitled ''An Analysis of OTC Interest Rate Derivatives Transactions: Implications for Public Reporting'' (the ''Federal Reserve Staff Analysis''). In that report, Federal Reserve staff tested for a relationship between tenor and trade size. The Federal Reserve staff identified nine tenor buckets, as opposed to the eight identified by the Commission. The tenor buckets identified by the Federal Reserve staff were the same as those proposed by the Commission in the Further Block Proposal, with a further division of the Commission's 0–3 month bucket into a 0–1 month bucket and a 1–3 month bucket.[105]

After consideration of the comments received and the Federal Reserve Staff Analysis, the Commission is adopting § 43.6(b)(1) with one modification—the addition of another tenor grouping at the shorter end of the interest rate yield curve. The Commission notes, as an initial matter, that commenters generally supported the use of tenor buckets to establish swap categories in the interest rate asset class. Commenters, however, disagreed with the proposed tenor buckets.

In the Further Block Proposal, tenor buckets were proposed based on observations of the distributions of notional sizes and volume with the objectives of grouping swaps with similar characteristics while maintaining a manageable number of swap categories. The tenor buckets proposed by the Commission were associated with concentrations of liquidity at commonly recognized points along the interest rate yield curve. In general, the Commission observed that transactions in the data set (and presumed market liquidity) tended to cluster at certain tenors.

In establishing the categories, the Commission proposed groupings that placed actively traded tenors at the upper boundary of the category groupings because the calculation of the minimum block threshold in a category will be most influenced by the notional amounts of the most heavily traded swaps in a category, *i.e.,* those at the active tenor points. Hence, the minimum block thresholds for shorter dated swaps in a category will tend to be set based on the typical notional value of longer dated swaps. Since the longer dated swaps tend to trade in smaller notional amounts, establishing

[101] CL–AFR at 5; CL–Better Markets at 5; CL–MFA at 4; CL–Pierpont at 3; CL–SDMA at 8 (''The CFTC categories are . . . appropriate and accurate in terms of currency, index, and tenor.'')

[102] CL–AII at 8; CL–Barclays at 7; CL–ISDA/SIFMA at 10; CL–SIFMA at 7; CL–Vanguard at 5.

[103] *See* CL–ICI at 5.

[104] Kinetix stated that ''[t]he major flaw comes from including in a bucket products with sharply different trading volumes.'' Kinetix recommended bucketing products by average trade volume, product type, and tenor, but did not suggest specific tenor buckets. CL–Kinetix at 2.

[105] The Federal Reserve staff specifically found that ''when [they] reduced the number of buckets at the short end of the trading curve (by merging the 0–1 month and 1–3 month buckets into a 0–3 month bucket), the explanatory power of [their] regression declined 24%.'' Federal Reserve Staff Analysis at 16.

the categories in this manner will tend to result in a more conservative (*i.e.,* smaller) minimum block threshold for shorter tenored swaps within the category. In addition, because the shorter-dated swaps within an established swap category may experience less liquidity, due to smaller trading volumes, these swaps may also benefit from the setting of a lower minimum block threshold.

The narrower tenor buckets recommended by commenters, in contrast, tend to straddle the liquid tenor points. If the Commission were to establish tenor buckets straddling the liquid tenor points (rather than having a liquid tenor point be the upper boundary of a tenor bucket), then the minimum block threshold for swaps within a category would be more heavily influenced by swaps centrally located in the category. Thus, longer dated swaps in a category, which tend to trade in smaller notional sizes, would be subject to higher minimum block thresholds, meaning fewer would be eligible for the block trade exemption.

To illustrate the impact of placing the liquid tenor point at the top of the category, consider the impact on a seven-year interest rate swap that is proposed to be grouped in a tenor bucket with swaps having a tenor greater than 5 years and less than or equal to 10 years. The most liquid tenor point (*i.e.,* the tenor point with the greatest number of observations) within this bucket would be the 10-year interest rate swap; thus, the 10-year interest rate swap would be the primary driver in determining the minimum block threshold for swaps in the 5 to 10-year tenor bucket. Table 7 is a subset of the information from Table 1 that illustrates this point. Specifically, there are 6,599 swaps with a tenor of seven years, yielding an average notional amount of $100 million (USD) and 34,000 swaps with a tenor of ten years yielding an average notional size of $81 million (USD). By combining these into the same category, the Commission is adopting a conservative approach in setting block sizes for the less liquid tenors.

Under the commenters' approach, however, the seven-year interest rate swap is grouped in the same tenor bucket with the 5-year tenor interest rate swaps. In this scenario, the liquid tenor point within the bucket is the 5-year interest rate swap; thus, the 5-year interest rate swap, with more than 26,000 transactions yielding an average notional amount of $104 million (USD), is the primary driver in determining the minimum block threshold for the tenor bucket and results in a larger block size for the 7-year tenor interest rate swaps than under the currently proposed swap category.

The Commission is of the view that the tenor with the most transactions in the swap category, and thus having the most weight in the block calculations, should be at the high end of the tenor grouping for the swap category. Given the tendency for average notional size to decrease as tenor increases as shown in Table 7 below, the Commission views this as a more conservative approach to setting minimum block thresholds, which results in lower block sizes for swap transactions at tenors that may experience less liquidity.

TABLE 7—SUMMARY STATISTICS FOR THE INTEREST RATE SWAP DATA SET BY TENOR [106]

Tenor [107]	Number of transactions	Notional amount (billions of USD)	Average notional amount (billions of USD)
1 Month	3,171	11,859	3.740
3 Month	10,229	11,660	1.140
6 Month	2,822	1,701	0.603
1 Year	9,522	3,484	0.366
2 Year	16,450	3,347	0.203
3 Year	9,628	1,488	0.155
5 Year	26,139	2,712	0.104
7 Year	6,599	661	0.100
10 Year	34,000	2,746	0.081
30 Year	9,616	448	0.047
Other	38,671	5,284	0.137

In response to comments generally calling for narrower tenor buckets, the Commission is adopting an additional tenor bucket in order to provide greater granularity as requested by commenters. The Commission is splitting the first tenor group in the Further Block Proposal (0–3 months) into two tenor groups (0–46 days, and greater than 46 days to less than or equal to 3 months). While the Commission did not receive any comments specifically discussing the less than 46 day tenor, the Commission received numerous comments recommending greater granularity. Based upon the comments received requesting nine tenor buckets and the Federal Reserve Staff Analysis identifying nine tenor buckets, the Commission has determined to add a less than 46 day tenor group. This would provide greater granularity and establish notional swap groupings that account more precisely for the effects of increased transparency on liquidity for swaps of a shorter tenor.

Accordingly, the Commission is adopting the following tenor buckets:

[106] In producing Table 7, the Commission counted tenors for swaps with an end date within four calendar days of a complete month relative to the swap's start date as ending on the nearest complete month.

[107] Tenor groups include swaps having tenors within 4 calendar days of a complete month, plus or minus, of the stated tenor. All other swaps are included in the ''Other'' category.

TABLE 8—TENOR GROUPS FOR INTEREST RATES ASSET CLASS [108]

Tenor group	Tenor greater than	And tenor less than or equal to
1		46 days.
2	46 days	Three months (107 days).
3	Three months (107 days)	Six months (198 days).
4	Six months (198 days)	One year (381 days).
5	One year (381 days)	Two years (746 days).
6	Two years (746 days)	Five years (1,842 days).
7	Five years (1,842 days)	Ten years (3,668 days).
8	Ten years (3,668 days)	30 years (10,973 days).
9	30 years (10,973 days)	

The Commission received eleven comments regarding whether interest rate swaps should be categorized into the super-major, major, and non-major currency groupings as proposed. Five commenters supported the currency groupings proposed in the Further Block Proposal.[109] Four commenters urged the Commission to establish a separate swap category for each individual currency in determining block thresholds.[110] Two more commenters specifically recommended that each of the four super-major currencies should be categorized separately, rather than as a group, in determining block thresholds.[111]

After consideration of the comments received, the Commission is adopting § 43.6(b)(1)(i) as proposed in regard to currency categories. The currencies were grouped into the three categories in the Further Block Proposal based upon the swap transaction total notional amounts and transaction volumes of currency groups based on the number of transactions, and the average transaction notional amounts of currency groups. The commenters who requested that all currencies be categorized by individual currency mainly focused on differences in liquidity among the four super-major currencies, particularly when comparing interest rate swaps in USD and EUR to those in JPY and GBP. Similarly, the commenters who specifically requested that the Commission establish separate swap categories for each of the super-major currencies focused on perceived differences in liquidity. While USD and EUR interest rate swaps feature the highest liquidity, the Commission is of the view that, based upon all of the criteria mentioned above, the super-major currencies are most similar to each other (and different from major [112] and non-major currencies) to warrant treatment as a group, rather than separately.

The Commission considered alternative approaches of using the individual currencies to determine swap categories in the interest rate asset class. While these alternative approaches would have provided greater correlation to an underlying curve than the adopted groupings, the Commission believes that this would not substantially increase the explanation of variations in notional amounts, but rather would result in categories with too few observations. Hence, the Commission does not believe that there would be a significant benefit to offset the additional compliance burden that a more granular approach would impose on market participants. The Commission notes that adoption of the proposed currency categories establishes 27 separate swap categories for interest rate swaps. Separate categorization of all currencies would result in nearly 200 separate swap categories. Separate categorization of the super-major currencies alone would result in 54 swap categories. The Commission believes that the 27 separate swap categories contained in the rule achieves the objectives of grouping swaps with similar characteristics while maintaining a manageable number of swap categories.

The Commission also received a number of comments recommending that interest rate swaps should be categorized based on criteria other than tenor and currency. Four commenters suggested a range of additional interest rate swap categories for the purposes of establishing block thresholds.[113] Two other commenters suggested grouping swaps by product type in addition to tenor and currency groupings.[114] Another commenter, Kinetix, recommended grouping products by average trade volume, as well as by product type and tenor.[115] Of the four commenters who expressed support for the proposed tenor and currency groupings,[116] two of them argued that further granularity would cause some swaps to be subject to lower block thresholds than are appropriate.[117]

After consideration of the comments received, the Commission is adopting § 43.6(b)(1)(i) as proposed and § 43.6(b)(1)(ii) with the modifications discussed above. Although some level of

[108] As in the Further Block Proposal, the Commission chose to extend the tenor groups about one-half month beyond the commonly observed tenors to group similar tenors together and capture variations in day counts. The Commission added an additional 15 days beyond a multiple of one year to the number of days in each group to avoid ending each group on specific months or years.

[109] CL–AFR at 5; CL–Better Markets at 5; CL–MFA at 4; CL–Pierpont at 3; CL–SDMA at 8 (''The CFTC categories are . . . appropriate and accurate in terms of currency, index, and tenor.'')

[110] CL–AII at 8; CL–ICI at 5; CL–SIFMA at 8–9; CL–Vanguard at 6.

[111] CL–Barclays at 7; CL–ISDA/SIFMA at 7–8. While ISDA/SIFMA supported separate categories for super-major currencies, their comment also suggests separate categorization for each individual currency. Similarly, SIFMA's comment, while requesting separate categorization generally, states that dividing the four proposed super-major currencies is most important. CL–SIFMA at 8–9.

[112] The Commission notes that the difference between the total notional and transactional volume of swaps referencing Japanese yen—the lowest among those swaps in the super-major currency category—and of swaps referencing the Australian Dollar—the highest among those swaps in the major currency category—is significantly larger than such differences between swaps within each adopted currency category. This observation supports adopting the Commission's approach in assigning certain swaps in the super-major currency category against the major currency category.

[113] Barclays suggested unique block levels for each of the following swap categories: each super major currency, swaps against standard floating rate indices, basis swaps, inflation swaps, swaptions, caps and floors, cross-currency swaps, and structured swaps. CL–Barclays at 7–8. ISDA/SIFMA suggested the following additional swap categories: fixed versus non-benchmark floating rate indexes and basis swaps, inflation swaps (a specified inflation rate index), options (swaption and cap/floor markets); cross-currency swaps (each leg denominated by different currency), and exotics. CL–ISDA/SIFMA at 9. SIFMA and Vanguard suggested swap categorization based on optionality or other characteristics such as distinctions between ''plain vanilla,'' ''interest rate options,'' and ''other,'' as well as separate categories for major floating rate indices. CL–SIFMA at 8–9; CL–Vanguard at 5–6.

[114] CL–ICI at 5; CL–MFA at 5.

[115] CL–Kinetix at 2.

[116] CL–AFR at 5; CL–Better Markets at 5; CL–Pierpont at 3; CL–SDMA at 8 (''The CFTC categories are . . . appropriate and accurate in terms of currency, index, and tenor.'')

[117] CL–AFR at 5; CL–Better Markets at 5.

categorization of swaps is useful to capture different levels of trading activity and hedging potential, where a number of different swaps could be used to hedge the same risk, the over-identification of swap categories will eventually lead to a dilution of observations within categories. Categories having small numbers of observations could be subject to highly volatile minimum block sizes over time. Over-identification also would be expected to lead to underestimations of the ability to offset risks using related swap instruments. The Commission believes that it has struck a balance between over- and under-categorizing swaps that will result in more stable minimum block sizes and allow for adequate risk offsets using instruments within a category. The modification described above in regard to tenor will provide some further granularity at the short end of the yield curve, as suggested by commenters above, while still achieving the objectives of grouping swaps with similar characteristics and reducing unnecessary complexity for market participants in determining whether their swaps are classified within a particular swap category.

c. Credit Swap Categories

i. Credit Swap Data Summary

The CDS data set contained 98,931 CDS index records that would fall within the definition of publicly reportable swap transactions,[118] with a combined notional value of approximately $4.6 trillion dollars.[119] The CDS data set contained transactions based on 26 broad credit indexes.[120] Of those indexes, both the iTraxx Europe Series and the Dow Jones North America investment grade CDS indexes (''CDX.NA.IG'') served as the basis for over 20 percent of the total number of transactions and over 33 percent of the total notional value in the relevant CDS data set. Table 9 sets out summary statistics of the CDS data set for CDS indexes with greater than five transactions per day on average.

TABLE 9—SUMMARY STATISTICS BY CDS INDEX NAME

Names	Number of transactions	Percentage of total transactions (%)	Notional amount (in millions of USD)	Percentage of total notional amount (%)
ITRAXX EUROPE SERIES 13 V1	18,287	18.48	1,138,362	24.83
CDX.NA.IG.14	12,611	12.75	1,083,974	23.64
ITRAXX EUROPE XO SERIES 13 V1	8,713	8.81	153,365	3.34
CDX.NA.HY.14	7,984	8.07	172,599	3.76
ITRAXX EUROPE SENIOR FINANCIALS SERIES 13 V1	4,774	4.83	187,978	4.10
CDX.NA.IG.9	4,134	4.18	388,650	8.48
ITRAXX EUROPE XO SERIES 13 V2	3,959	4.00	66,894	1.46
CDX.NA.IG.9 TRANCHE	3,357	3.39	112,411	2.45
ITRAXX SOVX CEEMEA SERIES 3 V1	3,252	3.29	32,291	0.70
CDX.EM.13	3,052	3.08	34,952	0.76
ITRAXX SOVX WESTERN EUROPE SERIES 3 V1	2,377	2.40	74,068	1.62
ITRAXX AUSTRALIA SERIES NUMBER 13 V1	2,138	2.16	31,540	0.69
ITRAXX EUROPE SERIES 9 V1	1,893	1.91	188,364	4.11
ITRAXX EUROPE SUB FINANCIALS SERIES 13 V1	1,779	1.80	50,241	1.10
ITRAXX EUROPE SERIES 9 V1 TRANCHE	1,577	1.59	50,269	1.10
ITRAXX JAPAN SERIES NUMBER 13 V1	1,406	1.42	19,100	0.42
ITRAXX ASIA EX–JAPAN IG SERIES NUMBER 13 V1	1,319	1.33	15,856	0.35
ITRAXX SOVX ASIA PACIFIC SERIES 3 V1	1,001	1.01	11,666	0.25
ITRAXX EUROPE HIVOL SERIES 13 V1	788	0.80	30,585	0.67
CMBX.NA.AAA.1	463	0.47	13,384	0.29
ITRAXX EUROPE SERIES 12 V1	452	0.46	71,161	1.55
CMBX.NA.AJ.3	392	0.40	6,332	0.14
CMBX.NA.AAA.2	381	0.39	8,433	0.18
LCDX.NA.14	380	0.38	7,063	0.15
MCDX.NA.14	350	0.35	2,798	0.06
CMBX.NA.AAA.4	337	0.34	6,024	0.13
CMBX.NA.A.1	332	0.34	3,834	0.08
IOS.FN30.500.09	317	0.32	7,836	0.17
Total	87,805	88.75	3,970,029	86.59

ii. Credit Swap Data Analysis

As noted above, the Commission proposed using tenor and conventional spread criteria to define swap categories for CDS indexes. The Commission proposed the following six broad tenor groups in the credit asset class: (1) Zero to two years (0–746 days); (2) over two to four years (747–1,476 days); (3) over four to six years (1,477–2,207 days) (which include the five-year tenor); (4) over six to eight-and-a-half years (2,208–3,120 days); (5) over eight-and-a-half to

[118] *See* note 85 supra.

[119] The CDS index transactions in the data set made up approximately 33 percent of the total filtered records and 75 percent of the CDS markets' notional amount for the three months of data provided. The data set contained over 250 different reference indexes; 400 reference index and tenor combinations; and 450 reference index, tenor, and tranche combinations. The data set also contained three different currencies: USD (53%), EUR (46%), and JPY (1%). The Commission notes that in all but a handful of records, each reference index transaction was denoted in a single currency.

[120] Those indexes were: (1) ABX.HE; (2) CDX.EM; (3) CDX.NA.HY; (4) CDX.NA.IG; (5) CDX.NA.IG.HVOL; (6) CDX.NA.XO; (7) CMBX.NA; (8) IOS.FN30; (9) iTRAXX Asia ex-Japan HY; (10) iTRAXX Asia ex-Japan IG; (11) iTRAXX Australia; (12) iTRAXX Europe Series; (13) iTRAXX Europe Subs; (14) iTRAXX Japan 80; (15) iTRAXX Japan HiVol; (16) iTRAXX Japan Series; (17) iTRAXX LEVX Senior; (18) iTRAXX SOVX Asia; (19) iTRAXX SOVX CEEMA; (20) iTRAXX Western Europe; (21) LCDX.NA; (22) MCDX.NA; (23) PO.FN30; (24) PRIMEX.ARM; (25) PRIMEX.FRM; and (26) TRX.NA.

12.5 years (3,121–4,581 days) and (6) greater than 12.5 years (4,581 days).[121]

With respect to the conventional spread criterion, the Commission determined ranges of spread values based on a review of the distribution of spreads in the entire CDS data set.[122] In particular, the Commission observed that the relevant CDS data set partitioned at the 175 basis points (''bps'') and 350 bps levels.[123] The Commission found that significant differences existed in the CDS data set between CDS indexes with spread values under 175 bps and those in the other two CDS categories (spread values between 175 to 350 bps; spread values above 350 bps). Accordingly, the Commission proposed three separate conventional spread levels: (1) CDS indexes with spread values under 175 bps; (2) CDS indexes with spread values between 175 and 350 bps; and (3) CDS indexes with spread values above 350 bps. Table 9 shows the summary statistics of the proposed criteria to determine swap categories for swaps in the credit asset class.[124]

TABLE 9—CDS INDEX SAMPLE STATISTICS BY PROPOSED SWAP CATEGORY CRITERIA

Spread	Sum of notional amounts (in billions of USD)	Number of trades
≤175	3,761	59,887
175-to-350	233	11,045
350>	577	27,998
Tenor (in calendar days)	**Sum of notional amounts**	**Number of trades**
0–746	146	1,421
747–1,476	569	6,774
1,477–2,207	3,490	79,357
2,208–3,120	159	2,724
3,121–4,581	18	497
4,582+	190	8,157

The Commission sought comment on this proposed approach, a series of alternative criteria to be used, and alternative categories. The Commission received eight comments regarding the proposed swap categories for CDS. Five of the comments focused on the proposed tenor buckets in the Further Block Proposal. SIFMA and Vanguard suggested that the 4–6 year tenor bucket be divided into four buckets: 4 to 4.5 years, 4.5 to 5 years, 5 to 5.5 years, and 5.5 to 6 years.[125] AII and ICI also recommended narrowing the tenor categories for CDS.[126] MFA generally supported the Commission's proposed grouping by tenor.[127]

Two of the comments focused on the proposed conventional spread criteria. ISDA/SIFMA expressed support for the proposed use of spread criteria, but also suggested that the Commission should clarify that the spread for a CDS transaction will be based on the traded spread, rather than on the fixed coupon.[128] Barclays, however, commented that traded spreads should not be used for categorizing CDS because swaps may move daily between threshold buckets as spreads can move substantially over short periods, which would create an unacceptable level of operational risk for market participants in trying to achieve compliance.[129]

In addition to the comments regarding the tenor and conventional spread criteria proposed, commenters also provided a number of recommendations regarding other potential swap categories for CDS. Three commenters suggested separate swap categories for individual CDX index series.[130] Better Markets, however, argued that using individual CDX index series to create swap categories would be too granular and recommended that CDS be divided into single-name and index categories, with indexes further subdivided into five groups: sovereign, corporate, municipal, mortgage-backed securities, and other.[131] Four commenters recommended that tranches of indices receive their own unique swap category.[132] Two commenters suggested grouping CDS by different product type.[133] MFA recommended separate swap categories for indexes and options (as well as tranches).[134] Finally, eight commenters suggested differentiating between on-the-run and off-the-run CDS

[121] The Commission assessed the possibility of applying the tenor categories proposed for swaps in the interest rate asset class to the distribution of notional sizes in the CDS indexes and anticipates the level of granularity proposed to categorize swaps in the interest rate asset class by tenor would be inappropriate for the CDS index market. The Commission anticipates that this level of granularity would be inappropriate because the vast majority of CDS index transactions in the data set had a tenor of five years (or approximately 1,825 days). Based on the concentration of CDS index transactions in five-year tenors, the Commission proposed six tenor bands for CDS indexes.

The Commission chose to extend the tenor groups about one-half month beyond the commonly observed tenors to group similar tenors together and capture variations in day counts. The Commission added an additional 15 days beyond a multiple of one year to the number of days in each group to avoid ending each group on specific years.

[122] *See supra* note 77 for a definition of ''conventional spread.''

[123] The Commission proposed partition levels by a qualitative examination of multiple histogram distributions of the traded and fixed spreads from the CDS data set. This qualitative examination was confirmed through a partition test (using JMP software), including both before and after controlling for the effects of tenor on the distribution. The Commission observed that 175 bps explained the greatest difference in means of the two data sets resulting from a single partition of the data. The Commission also observed that 350 bps was an appropriate partition for CDS index transactions with spreads over 175 bps.

[124] The Commission found that these categories were good predictors of notional size. This finding was based on an analysis which used the tenor and spread categories in Table 9 as explanatory variables in a least squares regression, where the logged value of the notional amount of the swap was the dependent variable.

[125] CL–SIFMA at 7–8 (''We believe that such groupings would better approximate sets of swaps with similar liquidity characteristics''); CL–Vanguard at 5.

[126] CL–AII at 8; CL–ICI at 5.

[127] CL–MFA at 5.

[128] CL–ISDA/SIFMA at 6 (''swap categories should be based on the current spread of a transaction in order to reflect . . . changes in liquidity'').

[129] CL–Barclays at 8.

[130] CL–AII at 8; CL–Barclays at 8; CL–ISDA/SIFMA at 6.

[131] CL–Better Markets at 6.

[132] CL–AII at 8; CL–Barclays at 8; CL–ISDA/SIFMA at 6; MFA at 5.

[133] CL–ICI at 5; CL–ISDA/SIFMA at 6.

[134] CL–MFA at 5.

indices.[135] MFA specifically suggested separate minimum block sizes for the current 5-year on-the-run CDS indices for CDX.NA.IG, CDX.NA.HY, iTraxx Europe, and iTraxx Europe Crossover.[136]

After consideration of the comments received, the Commission is adopting § 43.6(b)(2) as proposed. In general, the Commission believes that the proposed criteria—tenor and conventional spread—provide an appropriate way to group swaps with economic similarities and to reduce unnecessary complexity for market participants in determining whether a particular swap is classified within a particular swap category. In regard to ISDA/SIFMA's suggested clarification, the Commission clarifies that the spread for a CDS transaction will be based on the traded spread, rather than on the fixed coupon.

Specifically, the Commission believes that the proposed tenor and conventional spread categories sufficiently capture the variation in notional size that is necessary for setting appropriate minimum block sizes and that refining these categories as suggested by commenters will not improve the clustering of swaps in order to better set appropriate minimum block sizes. For example, the Commission notes that the tenor buckets contained in the adopted rule generally result in separate categorization for on-the-run and off-the-run indexes for swaps in the CDS data set. On-the-run indexes, for example, comprised the vast majority of swaps in the 4–6 year tenor bucket, while off-the-run indexes were the vast majority of swaps in the 0–2, 2–4, and 6–8.5 year tenor buckets.

The Commission determined these swap categories based on the way activity in the CDS data set clustered towards the center of each tenor band. While the majority of transactions in the CDS data set consisted of on-the-run corporate credit default index swaps with a five-year tenor, the Commission found that significant trading of corporate credit default index swaps also occurred in other tenor ranges.[137] The Commission believes that its approach is appropriate since CDS on indexes other than corporate indexes (*e.g.,* asset backed indexes, municipal indexes, sovereign indexes) also trade at tenors other than five years.[138]

The Commission, however, decided not to use ''on-the-run'' or ''off-the-run'' designations for grouping CDS indexes into categories for the following reasons: (i) The underlying components of swaps with differing versions or series based on the same named index are broadly similar, if not the same, and are indicative of economic substitutability across versions or series; (ii) differences in the average notional amount across differing versions or series were explained by differences in tenor; and (iii) using versions or series as the criterion for defining CDS swap categories may result in an unnecessary level of complexity.[139] Hence, the Commission believes that while on-the-run and off-the-run indexes may differ in terms of available liquidity, they nonetheless are economically related to each other within the categories proposed by the Commission; therefore, on-the-run indexes could be used to offset much of the risk associated with off-the-run indices. Moreover, while the off-the-run swaps generally had less trading activity, and presumably less liquidity, than the on-the-run swaps, off-the-run index swaps had larger notional sizes, on average, than on-the run swaps in the same category. Hence, the more liquid, on-the-run swaps will drive the block size in a category and will result in lower block sizes for the less liquid swaps in the category.[140] The Commission feels that this is a more conservative approach to setting block sizes for less liquid swaps.

In response to the commenters that specifically requested a differentiation between on-the-run and off-the-run CDS indexes, the Commission believes that while on-the-run and off-the-run indexes may differ in terms of available liquidity, they nonetheless are economically related to each other within the categories proposed by the Commission such that on-the-run indexes could be used to offset much of the risk associated with off-the-run indexes. The Commission also notes that the tenor buckets contained in the adopted rule generally result in separate categorization for on-the-run and off-the-run indexes. For the CDS data set, the vast majority of swaps in the 4–6 year tenor bucket were on-the-run indexes, while the vast majority of swaps in the 0–2, 2–4, and 6–8.5 year tenor buckets were off-the-run.

In response to commenters that specifically recommended separate swap categorization for tranches, the Commission believes that the proposed swap categorization based upon conventional spread criteria will result in separate categorizations related to tranches where appropriate.[141] For example, tranches having significantly different levels of risk will potentially have spreads traded at levels that differ enough from the underlying index so as to be placed in categories that would receive a different block trade size. The conventional spread reflects the risk of the underlying transaction and the Commission believes that the risk associated with the transaction will be the primary determinant of how difficult a transaction is to hedge. Thus, the Commission believes that categorization of CDS by conventional spread will capture differences related to tranches where appropriate.

The Commission notes that the adopted § 43.6(b)(2) establishes 18 separate swap categories for CDS swaps. While none of the commenters provided suggestions as to precisely how to categorize CDS by tranche, the Commission believes that creating additional swap categories for tranches would result in swap categories totaling a multiple of the proposed 18 swap categories, as each CDS index has multiple tranches. Establishing swap categories based upon tenor and

[135] MFA specifically suggested separate minimum block sizes for the current 5-year on-the-run CDS indices for CDX.NA.IG, CDX.NA.HY, iTraxx Europe, and iTraxx Europe Crossover. CL–MFA at 5; CL–AII at 8; CL–Barclays at 8; CL–ICAP at 7; CL–ISDA/SIFMA at 5–6; CL–SIFMA at 8; CL–Vanguard at 5.

[136] CL–MFA at 5.

[137] For example, based on the observed CDS data set, corporate CDS indexes traded in all but the longest of the tenor groups. The vast majority of transactions outside of the 4–6 year tenor group were off-the-run series.

[138] For example, based on the observed CDS data set, the majority of municipal credit default index swaps traded with tenors of around 10 years.

[139] An on-the-run CDS index represents the most recently issued version of an index. For example, every six months, Dow Jones selects 125 investment grade entities domiciled in North America to make up the Dow Jones North American investment grade index (''CDX.NA.IG''). Each new CDX.NA.IG index is given a new series number while market participants continue to trade the old or ''off-the-run'' CDX.NA.IG series. The index provider determines the composition of each index through a defined list of reference entities. The index provider has discretion to change the composition of the list of reference entities for each new version or series of an index. In its analysis of the CDS data set, the Commission generally observed either no change or a small change (ranging from one percent to ten percent) of existing composition in the reference entities underlying a new version or series of an index. Because of these two dynamics (tenor and index composition), the CDS data set contained transactions within a given index with different versions and series that were, in some instances, identical, and in others, not identical, across varying tenors.

[140] This is similar to the example provided for the tenor groupings in interest rate swaps in Section II.A.1.

[141] In the CDS market, a ''tranche'' means a particular segment of the loss distribution of the underlying CDS index. For example, tranches may be specified by the loss distribution for equity, mezzanine (junior) debt, and senior debt on the referenced entities. The Commission found that the tranche-level data was even more granular than index-level data. Similarly, the Commission anticipates that grouping the relevant CDS data set in tranche criterion may not be practicable because it may produce too many swap categories and as a result would impose unnecessary complexity on market participants.

conventional spread criterion as in adopted § 43.6(b)(2) meets the objectives of grouping swaps with economic similarity and reducing confusion for market participants in determining whether their swaps are classified within a particular swap category.

The Commission believes that this approach will mitigate the administrative burden to both market participants and to the Commission by limiting the number of swap categories for which appropriate minimum block sizes need to be calculated. In regard to Barclay's concern that swaps would move between categories, the Commission believes that instances where a given swap will move daily between spread levels will be limited given the small number of spread categories and the observed distribution of trades. Additionally, the quantitative nature of the block category calculation should limit the operational risk by providing clarity and ease of notice to market participants as to what the minimum block sizes are, even if they are subject to change.

If market participants reach the conclusion that the Commission has determined specific swap categories in a way that will materially reduce market liquidity, then those participants are encouraged to submit data to support their conclusion. If, through its own surveillance of swaps market activity, the Commission becomes aware that a specific swap categorization for determination of appropriate minimum block levels would reduce market liquidity, then the Commission may exercise its legal authority to take action by rule or order to mitigate the potential effects on market liquidity with respect to swaps in that swap category.

2. Swap Category in the Equity Asset Class

The Commission proposed a single swap category for swaps in the equity asset class. The Commission proposed this approach based on: (1) The existence of a highly liquid underlying cash market for equities; (2) the absence of time delays for reporting block trades in the underlying equity cash market; (3) the small relative size of the equity index swaps market relative to the futures, options, and cash equity index markets; and (4) the Commission's goal to protect the price discovery function of the underlying equity cash market and futures market.

The Commission received six comments regarding swap categories in the equity asset class. AFR supported the single swap category proposed for the equity asset class.[142] Five other commenters recommended that the Commission treat equity swaps similarly to the other asset classes and establish swap categories based upon a range of criteria.[143] AII recommended that equity swaps should be treated as blocks based on liquidity, and urged the Commission to consider linking equity swap categories to the liquidity of the underlying index.[144] Barclays recommended that swap categories should be established for equity swaps taking into account transaction volume by index and equity asset class type, and that broad-based indices should have separate block levels based upon futures market levels.[145] ICI recommended closer study of data on equity swap transactions due to potential differences in liquidity in the underlying equity cash market.[146] ISDA/SIFMA recommended categorizing equity swaps on the basis of underlying index or basket, product type, notional size, and tenor.[147] SIFMA stated that the Commission should establish equity swap block categories based upon liquidity of the underlying indices.[148]

After consideration of the comments received, the Commission is adopting § 43.6(b)(3) as proposed. While a number of the commenters point out differences in liquidity in the underlying equity indices to support separate swap categories within the equity asset class and establishment of block sizes in equities, these differences do not undermine the premises underlying the Commission's proposal. Even taking into account differences in liquidity, (1) there is still a highly liquid underlying cash market for equities; and (2) the equity index swaps market is small relative to the futures, options, and cash equity index markets. These characteristics, combined with the fact that there are no time delays for reporting block trades in the underlying equity cash market, makes establishment of swap categories, and therefore minimum block thresholds, for equity swaps inappropriate.[149] The Commission notes that establishing time delays for reporting block trades in the swaps market when no time delays exist could negatively impact the price discovery function of the underlying equity cash market and futures market. Accordingly, the Commission is adopting § 43.6(b)(3) as proposed.[150]

3. Swap Categories in the FX Asset Class

The Commission proposed establishing swap categories for the FX asset class based on unique currency combinations, with § 43.6(b)(4)(i) distinguishing futures-related swaps [151] from swaps that are not futures-related (covered under proposed § 43.6(b)(4)(ii)). Distinguishing futures-related swaps from other swaps would allow the Commission to set initial appropriate minimum block sizes for certain swaps based on DCM block sizes for FX futures contracts.

The Commission based its approach on the assumption that FX swaps and futures contracts based upon the same currency draw upon the same liquidity pools. The Commission proposed in §§ 43.6(b)(4)(i) and (b)(4)(ii) to distinguish FX swaps and instruments based on the existence of a related futures contract. Liquidity in the underlying futures market for the currency combinations established in proposed § 43.6(b)(4)(i) suggested sufficient liquidity in the swaps market for these currency combinations.

The Commission proposed establishing swap categories for futures-related swaps under proposed § 43.6(b)(4)(i) based on the unique currency combinations between the currency of each of the following: the United States, European Union, United Kingdom, Japan, Australia, Switzerland, Canada, Republic of South Africa, Republic of Korea, Kingdom of Sweden, New Zealand, Kingdom of Norway, Denmark, Brazil, China, Czech Republic, Hungary, Israel, Mexico, New

[142] CL–AFR at 6.

[143] CL–AII at 9; CL–Barclays at 9; CL–ICI at; ISDA/SIFMA at 10–11; SIFMA at 5.

[144] CL–AII at 9.

[145] CL–Barclays at 9.

[146] CL–ICI at 5.

[147] CL–ISDA/SIFMA at 10–11.

[148] CL–SIFMA at 5.

[149] *See infra* Section II.B(5)(b). In the event that time delays are established for reporting block trades in the underlying equity cash market, the Commission may consider establishing swap categories and minimum block thresholds for equity swaps.

[150] The Securities and Exchange Commission (''SEC'') has proposed general criteria that it would consider to set appropriate minimum block trade sizes for security-based swaps. The SEC, however, has not proposed specific numerical thresholds at this time, but rather intends to propose such thresholds upon the adoption of Regulation SBSR—Reporting and Dissemination of Security-Based Swap Information. 75 FR 75208, 75228 (Dec. 2, 2010). On May 1, 2013, the SEC reopened the comment period regarding this proposed rule. *See* Reopening of Comment Periods for Certain Rulemaking Releases and Policy Statement Applicable to Security-Based Swaps Proposed Pursuant to the Securities Exchange Act of 1934 and the Dodd-Frank Wall Street Reform and Consumer Protection Act (May 1, 2013).

[151] Under § 43.2, a futures-related swap is defined as a swap (as defined in section 1a(47) of the Act and as further defined by the Commission in implementing regulations) that is economically related to a futures contract. *See infra* notes 169–174 and accompanying text. Under § 43.6(b)(4)(i), a futures-related swap is a swap where one of the underlying currencies of the swap is the subject of a futures contract listed on a DCM.

Zealand, Poland, Russia, and Turkey.[152] Hence, proposed § 43.6(b)(4)(i) would establish a separate swap category for each of the 231 unique currency combinations between these currencies. In proposed § 43.6(b)(4)(ii), the Commission would establish an additional swap category based on unique currency combinations not included in proposed § 43.6(b)(4)(i).[153]

The Commission received six comments regarding the proposed swap categories for the FX asset class based on unique currency combinations. Two commenters recommended additional swap categories for the FX asset class.[154] Barclays suggested that EUR- and USD-denominated transactions should be categorized separately from less liquid transactions and that distinct block levels should apply to the following product categories: Forwards, non-deliverable forwards, non-deliverable options, vanilla options, and other more complex options.[155] GFMA recommended more granular swap categories that would group specific instruments according to similarity of liquidity profile.[156] AFR, however, commented that the governing principle in establishing swap categories should be the reasonable relationship of swaps within a category to a liquid class of swaps or futures that are potential hedges for that category and expressed concern that adding any additional granularity might violate this principle.[157] AII and ICI urged the Commission to remove block trading thresholds so that all transactions would be treated as blocks for the FX asset class during the initial period, and allow for collection and analysis of SDR data during this period to determine appropriate swap categories for the post-initial period.[158]

The Commission notes that, since the Further Block Proposal, Treasury has issued a Final Determination, pursuant to sections 1a(47)(E)(i) and 1b of the CEA, that exempts FX swaps and FX forwards from the definition of ''swap'' under the CEA. Therefore, the requirements of section 2(a)(13) of the CEA would not apply to those transactions, and such transactions would not be subject to part 43 of the Commission's regulations.[159] Nevertheless, section 1a(47)(E)(iii) of the CEA provides that FX swaps and FX forwards transactions still are not excluded from regulatory reporting requirements to an SDR. Further, the Commission notes that Treasury's final determination excludes FX swaps and FX forwards, but does not apply to FX options or non-deliverable FX forwards. As such, FX instruments that are not covered by Treasury's final determination are subject to part 43 of the Commission's regulations.

After consideration of the comments received and the complexity of the proposed approach, the Commission is adopting § 43.6(b)(4) with modifications. The Commission is modifying proposed § 43.6(b)(4)(i) to establish swap categories based on the unique currency combinations between one super-major currency paired with one of the following: (1) Another super major currency [160]; (2) a major currency [161]; or (3) a currency of Brazil, China, Czech Republic, Hungary, Israel, Mexico, New Zealand, Poland, Russia, or Turkey. This approach differs from the proposal in that the adopted swap categories will not include the unique currency combinations between major currencies and other major currencies, between major currencies and each of the ten additional enumerated non-major currencies, and between the ten additional enumerated non-major currencies. Under § 43.6(b)(4) as adopted, all swap transactions subject to part 43 [162] in these unique currency combinations may be treated as blocks.[163]

The changes to § 43.6(b)(4) will significantly reduce the number of swap categories, hence reducing complexity, but will still ensure coverage of the most liquid currency combinations.[164]

While not affording block treatment to all swaps in the FX asset class subject to part 43, these modifications will increase the number of currency combinations which will be eligible to be blocks, many of which have limited liquidity.[165] Yet, this modified approach still allows the Commission to set initial appropriate minimum block sizes for the most liquid categories based on the block trade size thresholds set by DCMs for economically-related futures contracts, as enumerated under adopted § 43.6(b)(4)(i). The Commission believes that the categories established by proposed § 43.6(b)(4)(i) and kept under adopted § 43.6(b)(4)(i) provide the separate classification for EUR- and USD-denominated transactions recommended by Barclays.[166]

[152] For example, the euro (EUR) and the Canadian dollar (CAD) combination would be one swap category; whereas, the Swedish krona (SEK) and the Korean won (KRW) combination would be a separate swap category.

[153] Under proposed § 43.6(e)(2), swaps having currency combinations described in § 43.6(b)(4)(ii) would all be eligible to be treated as a block trade or large notional off-facility swap. Only in the post-initial period would the proposed rules set an appropriate minimum block size for this category of FX swaps. *See infra* Section II.B(5)(c)(ii).

[154] CL–Barclays at 10; CL–GFMA at 2–3.

[155] CL–Barclays at 10.

[156] CL–GFMA at 2–3. GFMA also suggested that (1) FX swaps should be distinguished by tenor, and that (2) block size thresholds should vary based on time of day, in order to take into account liquidity across time zones.

[157] CL–AFR at 6.

[158] CL–AII at 3; CL–ICI at 5.

[159] *See* Determination of Foreign Exchange Swaps and Foreign Exchange Forwards under the Commodity Exchange Act, 77 FR 69,694, Nov. 20, 2012.

[160] As set out in Section II.A.1., the super-major currencies are the United States dollar (USD), European Union Euro Area euro (EUR), United Kingdom pound sterling (GBP), and Japan yen (JPY).

[161] As set out in Section II.A.1., the major currencies are the Australia dollar (AUD), Switzerland franc (CHF), Canada dollar (CAD), Republic of South Africa rand (ZAR), Republic of Korea won (KRW), Kingdom of Sweden krona (SEK), New Zealand dollar (NZD), Kingdom of Norway krone (NOK) and Denmark krone (DKK).

[162] As stated above, this section only applies to FX options and non-deliverable FX forwards. Treasury has exempted FX swaps and FX forwards from the definition of ''swap'' under the CEA. *See* Determination of Foreign Exchange Swaps and Foreign Exchange Forwards under the Commodity Exchange Act, 77 FR 69,694, Nov. 20, 2012.

[163] See Table 10 for the enumerated swap categories established by § 43.6(b)(4)(i).

[164] According to the BIS Triennial Central Bank Survey: Foreign Exchange and Derivatives Market Activity in April 2010 (preliminary results, dated September 2010), the currency combinations enumerated under adopted § 43.6(b)(4)(i) comprise more than 80% of global FX market turnover.

According to the Survey of North American Foreign Exchange Volume in October 2012, the proposed categories established by § 43.6(b)(4)(i) cover more than 86% of the notional value of total monthly volume of FX swaps that are priced or facilitated by traders in North America. The Survey of North American Foreign Exchange Volume is conducted by the Foreign Exchange Committee, which includes representatives of major financial institutions engaged in foreign currency trading in the United States and is sponsored by the Federal Reserve Bank of New York. The survey is designed to measure the level of turnover in the foreign exchange market. Turnover is defined as the gross value in U.S. dollar equivalents of purchases and sales entered into during the reporting period. The data covers a one-month period in order to reduce the likelihood that very short-term variations in activity might distort the data and include all transactions that are priced or facilitated by traders in North America (United States, Canada, and Mexico). Transactions concluded by dealers outside of North America are excluded even if they are booked to an office within North America. The survey also excludes transactions between branches, subsidiaries, affiliates, and trading desks of the same firm. The October 2012 data can be located at *http://www.newyorkfed.org/fxc/2012/octfxsurvey2012.pdf.*

[165] For example, the unique currency combination of the Australian Dollar (AUD) and the Canadian Dollar (CAD) had a minimum block threshold of 10,000,000 CAD in the Further Block Proposal. Under adopted § 43.6(b)(4), all trades in this unique currency combination will be eligible for block treatment.

[166] The Commission emphasizes that the swap categories for the FX asset class are unique currency combinations between each of the super-major currencies, major currencies, and additional currencies listed. The classification of EUR and

Continued

The Commission will also modify § 43.6(b)(4)(ii) to establish one swap category for the currency combinations not included in § 43.6(b)(4)(i). This category will encompass the other currency combinations proposed, but not adopted, by the Commission, as well as other non-futures related currency swaps. With the modifications to § 43.6(b)(4), the euro (EUR) and the Canadian dollar (CAD) combination will still be one swap category as in the original proposal pursuant to § 43.6(b)(4)(i). However, the Swedish krona (SEK) and the Korean won (KRW) combination will be grouped with all the other swaps covered by § 43.6(b)(4)(ii) into one swap category. As a further example, a swap of the Czech koruna (CZK) and the Brazilian real (BRL) will be in the same category as the SEK–KRW swap. While the swaps grouped into one category by § 43.6(b)(4)(ii) may have different liquidity levels, these swaps will all be subject to the time delays provided to block trades and large notional off-facility swaps in both the initial and post-initial periods.

The Commission notes that the adopted § 43.6(b)(4)(i) establishes 78 unique currency combinations, covering a vast majority of the notional value of FX swaps concluded by traders in North America. Creating additional swap categories, as suggested by Barclays and GFMA,[167] would result in swap categories totaling a multiple of this already large number without drastically increasing the number of swaps that will be subject to real-time reporting without a delay. Establishing swap categories based upon unique currency combinations as in adopted § 43.6(b)(4)(i) meets the objectives of grouping swaps with economic similarity and reducing confusion for market participants in determining whether their swaps are classified within a particular swap category. The Commission believes that these changes will reduce the administrative burden to both market participants and to the Commission by reducing the number of swap categories for which appropriate minimum block sizes need to be calculated.[168]

TABLE 10—SWAP CATEGORIES ESTABLISHED UNDER § 43.6(b)(4)(i)

	Super-major currencies			
	Euro (EUR)	British pound (GBP)	Japanese yen (JPY)	U.S. dollar (USD)
British Pound (GBP)	EUR–GBP			
Japanese Yen (JPY)	EUR–JPY	GBP–JPY		
U.S. Dollar (USD)	EUR–USD	GBP–USD	JPY–USD	
Australian Dollar (AUD)	AUD–EUR	AUD–GBP	AUD–JPY	AUD–USD
Canadian Dollar (CAD)	CAD–EUR	CAD–GBP	CAD–JPY	CAD–USD
Swiss Francs (CHF)	CHF–EUR	CHF–GBP	CHF–JPY	CHF–USD
Denmark Krone (DKK)	DKK–EUR	DKK–GBP	DKK–JPY	DKK–USD
Korean Won (KRW)	KRW–EUR	KRW–GBP	KRW–JPY	KRW–USD
Swedish Krona (SEK)	SEK–EUR	SEK–GBP	SEK–JPY	SEK–USD
Norwegian Krone (NOK)	NOK–EUR	NOK–GBP	NOK–JPY	NOK–USD
New Zealand Dollar (NZD)	NZD–EUR	NZD–GBP	NZD–JPY	NZD–USD
South African Rand (ZAR)	ZAR–EUR	ZAR–GBP	ZAR–JPY	ZAR–USD
Brazilian Real (BRL)	BRL–EUR	BRL–GBP	BRL–JPY	BRL–USD
Czech Koruna (CZK)	CZK–EUR	CZK–GBP	CZK–JPY	CZK–USD
Hungarian Forint (HUF)	HUF–EUR	HUF–GBP	HUF–JPY	HUF–USD
Israeli Shekel (ILS)	ILS–EUR	ILS–GBP	ILS–JPY	ILS–USD
Mexican Peso (MXN)	MXN–EUR	MXN–GBP	MXN–JPY	MXN–USD
Polish Zloty (PLN)	PLN–EUR	PLN–GBP	PLN–JPY	PLN–USD
Chinese Renminbi (RMB)	RMB–EUR	RMB–GBP	RMB–JPY	RMB–USD
Russian Ruble (RUB)	RUB–EUR	RUB–GBP	RUB–JPY	RUB–USD
Turkish Lira (TRY)	TRY–EUR	TRY–GBP	TRY–JPY	TRY–USD

4. Swap Categories in the Other Commodity Asset Class

The Commission proposed to determine swap categories in the other commodity asset class based on three sets of groupings. The first two sets of groupings create categories of swaps which are economically related to specific futures contracts (*i.e.,* futures-related swaps [169]) or swap contracts under proposed §§ 43.6(b)(5)(i) and (ii). The third set of groupings creates categories based on swaps sharing a common product type under proposed § 43.6(b)(5)(iii).

The Commission proposed defining ''economically related'' [170] in § 43.2 as a direct or indirect reference to the same commodity at the same delivery location or locations,[171] or with the

USD as super-major currencies simply means that both currencies are individually eligible for inclusion among the unique currency combinations used for swap categorization. In the FX asset class, there is no separate bucket for super-major currencies (such as the buckets in the interest rate swap asset class described above).

[167] CL–Barclays at 10; CL–GFMA at 2–3.

[168] In the Further Block Proposal, every unique currency combination would be considered a unique swap category, which means there would be hundreds of different swap categories for the FX asset class. Proposed § 43.6(b)(4)(i) alone established 231 swap categories. Many additional categories would have been established under proposed § 43.6(b)(4)(ii). The adopted § 43.6(b)(4) creates 78 categories requiring the calculation of appropriate minimum block sizes in the post-initial period.

[169] Proposed § 43.2 defines a futures-related swap as a swap (as defined in section 1a(47) of the Act and as further defined by the Commission in implementing regulations) that is economically related to a futures contract. The Commission is adopting this definition as proposed.

[170] In the Real-Time Reporting Final Rule, the Commission explained: ''For the purposes of part 43, swaps are economically related, as described in § 43.4(d)(4)(ii)(B), if such contract utilizes as its sole floating reference price the prices generated directly or indirectly from the price of a single contract described in appendix B to part 43.'' 77 FR 1211. Further, the Commission explained that ''an 'indirect' price link to an Enumerated Physical Commodity Contract or an Other Contract described in appendix B to part 43 includes situations where the swap reference price is linked to prices of a cash-settled contract described in appendix B to part 43 that itself is cash-settled based on a physical-delivery settlement price to such contract.'' *Id.* at n.289.

[171] For example, a swap utilizing the Platts Gas Daily/Platts IFERC reference price is economically related to the Henry Hub Natural Gas (NYMEX) (futures) contract because it is based on the same commodity at the same delivery location as that underlying the latter contract.

same or substantially similar cash market price series.[172] The Commission noted that this definition would (1) ensure that swap contracts with shared reference price characteristics indicating economic substitutability (*i.e.,* swaps in the category can be used to offset some or all of the risks associated with positions in the underlying commodity) are grouped together within a common swap category;[173] and (2) provide further clarity as to which swaps are described in § 43.4(d)(4)(ii)(B), which was previously finalized under the Real-Time Reporting Final Rule.[174]

The first set of swap categories, covered under proposed § 43.6(b)(5)(i), would establish separate swap categories for swaps that are economically related to one of the contracts listed in appendix B to part 43. Therefore, proposed § 43.6(b)(5)(i) would establish one swap category for each contract listed in appendix B to part 43. The Real-Time Reporting Final Rule previously finalized appendix B to part 43, which lists 29 Enumerated Physical Commodity Contracts and Other Contracts (*i.e.,* Brent Crude Oil (ICE)).[175] In the Further Block Proposal, the Commission proposed to add 13 electricity and natural gas swap contracts to appendix B to part 43.[176] Therefore, proposed § 43.6(b)(5)(i) would establish 42 swap categories such that each contract would be the basis for its own other commodity swap category, and all swaps that are economically related to that contract would be included in that swap category.

The Commission has separately enumerated these contracts since it previously has identified these commodity contracts as: (1) Having high levels of open interest and significant cash flow; and (2) serving as a reference price for a significant number of cash market transactions. Moreover, the Commission has also previously determined that any swap that references or is economically related to these contracts (along with the Brent Crude Oil (ICE) contract or any contract that is economically related to it) has sufficient liquidity to ensure that the public dissemination of swap transaction and pricing data for swaps based on this reference asset poses little risk of disclosing identities of parties, business transactions, or market positions.[177]

The second set of swap categories, covered under proposed § 43.6(b)(5)(ii), would establish swap categories based on swaps in the other commodity asset class that are: (1) Not economically related to one of the futures or swap contracts listed in appendix B to part 43; and (2) economically related to a relevant futures contract that is subject to the block trade rules of a DCM. Proposed § 43.6(b)(5)(ii) listed the 18 futures contracts to which these swaps are economically related, and hence, establishes 18 swap categories.[178] These swap categories would include any swap that is economically related to such contracts. The swap categories established by proposed § 43.6(b)(5)(i) differ from the swap categories established by proposed § 43.6(b)(5)(ii) in that the former may be economically related to futures or swap contracts that are not subject to the block trade rules of a DCM, whereas the latter are economically related to futures contracts that are subject to the block trade rules of a DCM.[179]

The third set of swap categories, covered under proposed § 43.6(b)(5)(iii), would establish swap categories for all other commodity swaps that are not categorized under proposed § 43.6(b)(5)(i) or (ii). These swaps are not economically related to any of the contracts listed in appendix B to part 43 or any of the contracts listed in proposed § 43.6(b)(5)(ii). For these other commodity swaps, the Commission would determine the appropriate swap category based on the product types described in appendix D to part 43 to which the underlying asset(s) of the swap would apply or otherwise relate. Proposed appendix D to part 43 establishes ''Other Commodity Groups'' and certain ''Individual Other Commodities'' within those groups. To the extent that there is an ''Individual Other Commodity'' listed, the Commission would deem the ''Individual Other Commodity'' as a separate swap category. For example, regardless of whether the underlying asset to an off-facility swap is ''Sugar No. 14'' or ''Sugar No. 5,'' the underlying asset would be grouped as ''Sugar.'' The Commission thereafter

[172] For example, a swap utilizing the Standard and Poor's (''S&P'') 500 reference price is economically related to the S&P 500 Stock Index futures contract because it is based on the same cash market price series.

[173] The Commission proposed to amend § 43.2 to define ''reference price'' as a floating price series (including derivatives contract and cash market prices or price indices) used by the parties to a swap or swaption to determine payments made, exchanged or accrued under the terms of a swap contract. The Commission proposed to use this term in connection with the establishment of a method through which parties to a swap transaction may elect to apply the lowest appropriate minimum block size applicable to one component swap category of such swap transaction. *See infra* Section II.B(6)(b). The Commission is adopting this definition as proposed.

[174] The Real-Time Reporting Final Rule previously finalized § 43.4(d)(4)(ii)(B), which requires a registered SDR to publicly disseminate any publicly reportable swap transaction in the other commodity asset class that is ''economically related'' to one of the contracts described in appendix B to part 43, but did not define ''economically related.'' This definition, as proposed and to be adopted here, would apply to the use of this term throughout all of part 43 of the Commission's regulations.

[175] As noted by the Commission in the Real-Time Reporting Final Rule, the 28 Enumerated Physical Commodity Contracts are traded on U.S. DCMs, while Brent Crude Oil (ICE) futures contracts are primarily traded in Europe. 77 FR 1211 n. 288.

[176] *See infra* Section II.B5(d)(i). The Commission had previously issued orders deeming these contracts as ''significant price discovery contracts'' in connection with trading on exempt commercial markets (''ECMs''), based on, among other factors, their material liquidity and price discovery function. *See infra* Section III.C(4)(a). These contracts included: AECO Financial Basis Contract (''AEC'') traded on the IntercontinentalExchange, Inc. (''ICE'') (*See* 75 FR 23697); NWP Rockies Financial Basis Contract (''NWR'') traded on ICE (*See* 75 FR 23704); PG&E Citygate Financial Basis Contract (''PGE'') traded on ICE (*See* 75 FR 23710); Waha Financial Basis Contract (''WAH'') traded on ICE (*See* 75 FR 24655); Socal Border Financial Basis Contract (''SCL'') traded on ICE (*See* 75 FR 24648); HSC Financial Basis Contract (''HXS'') traded on ICE (*See* 75 FR 24641); ICE Chicago Financial Basis Contract (''DGD'') traded on ICE (*See* 75 FR 24633); SP–15 Financial Day-Ahead LMP Peak Contract (''SPM'') traded on ICE (*See* 75 FR 42380); SP–15 Financial Day-Ahead LMP Off-Peak Contract (''OFP'') traded on ICE (*See* 75 FR 42380); PJM WH Real Time Peak Contract (''PJM'') traded on ICE (*See* 75 FR 42390); PJM WH Real Time Off-Peak Contract (''OPJ'') traded on ICE (*See* 75 FR 42390); Mid-C Financial Peak Contract (''MDC'') traded on ICE (*See* 75 FR 38469); Mid-C Financial Off-Peak Contract (''OMC'') traded on ICE (*See* 75 FR 38469).

As discussed further below, as of October 12, 2012, ICE withdrew its listing of these contracts as a result of converting its cleared OTC swap contracts and related options to futures listed at ICE Futures U.S. and ICE Futures Europe. Accordingly, ICE converted these contracts into economically equivalent futures contracts and has listed them for trading. *See* ICE—Swaps to Futures Transition, *https://www.theice.com/S2F.jhtml* (last visited May 7, 2013). Therefore, as discussed further below, the Commission has determined in this final rule to add the converted contracts to appendix B to part 43, such that each contract will serve as a basis for an other commodity swap category. *See infra* Section II.A(4).

[177] 77 FR 1211.

[178] As proposed, these additional other commodity swap categories would be based on the following futures contracts: CME Cheese; CBOT Distillers' Dried Grain; CBOT Dow Jones-UBS Commodity Index Excess Return; CBOT Ethanol; CME Frost Index; CME Goldman Sachs Commodity Index (GSCI) (GSCI Excess Return Index); NYMEX Gulf Coast Gasoline; NYMEX Gulf Coast Sour Crude Oil; NYMEX Gulf Coast Ultra Low Sulfur Diesel; CME Hurricane Index; CME International Skimmed Milk Powder; NYMEX New York Harbor Ultra Low Sulfur Diesel; CBOT Nonfarm Payroll; CME Rainfall Index; CME Snowfall Index; CME Temperature Index; CME U.S. Dollar Cash Settled Crude Palm Oil; and CME Wood Pulp.

[179] This distinction is noteworthy because proposed § 43.6(e)(3) provides that ''[p]ublicly reportable swap transactions described in § 43.6(b)(5)(i) that are economically related to a futures contract in appendix B to this part [43] shall not qualify to be treated as block trades or large notional off-facility swaps (as applicable) [during the initial period], if such futures contract is not subject to a designated contract market's block trading rules.''

would set the appropriate minimum block size for each of the swap categories listed in appendix D to part 43.

In circumstances where a swap does not apply or otherwise relate to a specific ''Individual Other Commodity'' listed under the ''Other Commodity Group'' in appendix D to part 43, the Commission would categorize such swap as falling under the respective ''Other'' swap categories. For example, an emissions swap would be categorized as ''Emissions,'' while a swap in which the underlying asset is aluminum would be categorized as ''Base Metals—Other.'' Additionally, in circumstances where the underlying asset of swap does not apply or otherwise relate to an ''Individual Other Commodity'' or an ''Other'' swap category, the Commission would categorize such swap as either ''Other Agricultural'' or ''Other Non-Agricultural.''

Comments on the proposed swap categories in the other commodity asset class varied. CME Group agreed with the proposed approach to establishing swap categories in the other commodity asset class in the initial period because it would allow appropriate minimum block level sizes to be set based on the minimum block sizes set by DCMs.[180] ICI, however, recommended that the Commission obtain and analyze trading data from SDRs first before determining whether the proposed swap categories are appropriate.[181]

Several commenters commented on the granularity of the proposed swap categories. Some commenters recommended more granular categories to account for the differences in liquidity and execution risk between shorter- and longer-dated contracts.[182] Similarly, Barclays also commented that swap categories in the other commodity asset class should consider that products typically experience a reduction in liquidity beyond the first or second year.[183] Other commenters, however, opposed the proposed categories as too narrow and recommended broadening the definition of ''economically related'' and reducing the number of swap categories to reflect increasing price correlation between different categories of commodities as well as existing hedging practices by market participants.[184]

Parity Energy requested that the Commission establish a separate category for swaps that are economically related to crude oil options because transactions in crude oil options are typically fewer and larger in size than transactions in crude oil futures contracts.[185] Parity Energy also agreed with the proposed distinction in swap categories between swaps that are economically related to natural gas swaps and swaps that are economically related to natural gas swap options.[186]

The Commission is adopting the definition of ''economically related'' as proposed. The Commission believes that broadening the definition, as suggested by some commenters, would reduce the precision with which swaps in the other commodity asset class can be properly categorized. As proposed, the definition of ''economically related'' is sufficient in that it (1) ensures that swap contracts with shared reference price characteristics (indicating economic substitutability) are grouped together within a common swap category and (2) provides further clarity as to which swaps are described in § 43.4(d)(4)(ii)(B).

Furthermore, the Commission believes that its general approach to establishing swap categories under § 43.6(b)(5)(i)–(iii) is appropriate and is adopting the text of § 43.6(b)(5)(i)–(iii) largely as proposed, with the exception of some proposed swap categories in § 43.6(b)(5)(ii).[187] With the conversion of the 13 electricity and natural gas swap contracts proposed to be added to appendix B to part 43 into DCM-listed, economically equivalent futures contracts,[188] the Commission is making one modification by establishing swap categories and adopting initial appropriate minimum block sizes corresponding to those set by a DCM for those futures contracts. With respect to the swap categories established under § 43.6(b)(5)(i), the Commission believes that establishing categories for swaps that are economically related to one of the referenced futures contracts is appropriate because these contracts have previously been identified as (1) having high levels of open interest and significant cash flow; and (2) serving as a reference price for a significant number of cash market transactions.

With respect to the swap categories established under § 43.6(b)(5)(i)–(ii), the Commission is establishing swap categories and adopting initial appropriate minimum block sizes which correspond with those set by a DCM for economically related futures contracts in the initial period.[189] Hence, to the extent possible, the Commission is relying upon the DCMs' knowledge of and experience with liquidity in related futures markets until additional data becomes available. With respect to the swap categories established under § 43.6(b)(5)(iii), the Commission believes that setting swap categories by product type would allow the Commission to set appropriate minimum block sizes for groups of transactions that have similar underlying physical commodity market characteristics. Accordingly, the Commission does not believe that establishing swap categories that are broader than proposed is necessary to enhance market transparency.

[180] CL–CME 3–4. Proposed § 43.6(e)(1) established appropriate minimum block sizes in the initial period for swap categories in proposed § 43.6(b)(5)(i)–(ii) based on the block sizes for related futures contracts set by DCMs, except for natural gas and electricity swaps proposed to be added to appendix B of part 43.

[181] CL–ICI at 5.

[182] CL–ICAP Energy at 4; CL–fia at 3.

[183] CL–Barclays at 9.

[184] CL–Better Markets at 6–7; CL–AFR at 6–7.

[185] CL–Parity at 4–5.

[186] *Id.* As proposed, the initial minimum block size for swaps that are economically related to Henry Hub Natural Gas futures was set at 1,000,000 mmBtu; the initial minimum block size for Henry Hub Natural Gas options was set at 5,500,000 mmBtu.

[187] The Commission is not adopting separate swap categories that it proposed in the Further Block Proposal for swaps that are economically related to the following NYMEX futures contracts: Gulf Coast Gasoline; Gulf Coast Ultra Low Sulfur Diesel; and New York Harbor Ultra Low Sulfur Diesel. As of October 15, 2012, NYMEX eliminated block trading in these contracts because they have no open interest. The Commission is also removing the swap category for swaps that reference or are economically related to Non-Farm Payroll futures contract, the International Skimmed Milk Powder, and Wood Pulp as these contracts are no longer listed for trading.

[188] *See supra* note 176.

[189] *See infra* Section II.B(5)(d).

Furthermore, the Commission is not using additional criteria to create more granular swap categories in the other commodity asset class. While commodity swaps within a particular swap category may feature different liquidity and risk profiles based on their tenor, the Commission is not aware of any data that would warrant additional swap categories. As swaps trading data becomes available, the Commission will examine such data to determine whether establishing additional swap categories would be appropriate.

The other main modification to the swap categories established under § 43.6(b)(5) is that the Commission is not adopting separate swap categories for swaps that are economically related to the options contracts listed in appendix F of the Further Block Proposal.[190] Consistent with the Commission's definitions of ''economically-related'' and ''futures-related swap,'' the Commission considers such swaps, which feature an optionality component, to be economically related to the corresponding futures contracts adopted in appendix F of this final rule for purposes of determining swap categories. This approach to categorizing such swaps is consistent with the Commission's methodology to establish initial appropriate minimum block size for swaps with optionality for all asset classes.[191] Under this methodology, the notional size of swaps with optionality in the initial period will be equal to the notional size of the swap component without the optional component. As discussed further below, the Commission is adopting this methodology as proposed, and therefore will not consider optionality in the determination of a swap contract's notional size—allowing block sizes to be established based on the block sizes set by DCMs for options contracts would contradict this approach.

[190] These options contracts listed in proposed Appendix F, which are subject to a minimum DCM block size rule, included Cocoa (ICE); Coffee (ICE); Cotton No. 2 (ICE); Frozen Concentrated Orange Juice (ICE); Gold (COMEX and NYSE Liffe); New York Harbor No. 2 Heating Oil (NYMEX); Silver (COMEX and NYSE Liffe); Sugar #11 (ICE); and Sugar #16 (ICE).

[191] *See infra* Section II.C.

5. Comments Regarding Swap Categories Across Asset Classes

The Commission received a number of comments suggesting that, for all asset classes, the Commission establish separate swap categories, with separate appropriate minimum block sizes, for infrequently traded or illiquid swaps. Javelin and SDMA did not think infrequently-traded swaps posed an obstacle and recommended swap categorization that would account for hedging for illiquid swaps through synthetic/portfolio hedging through liquidity of economically equivalent swaps.[192] Barclays suggested that all swaps made available to trade that trade less than three times a day should be treated as blocks, as market makers otherwise will be reluctant to quote prices.[193] Alternatively, Barclays suggested removing such swaps from the ''available to trade'' category and thereby exempting them from post-trade reporting.[194] ISDA/SIFMA requested block treatment for all infrequently traded swaps and suggested a benchmark tied to precise daily trading frequency including a time delay for illiquid products generally.[195] To support this approach, ISDA/SIFMA cited a Commission study showing that market participants prefer off-exchange bilateral execution for illiquid instruments because of liquidity concerns.[196] ISDA/SIFMA suggested that a single transaction, regardless of size, in such infrequently-traded or illiquid swaps may move the market.[197] GFMA suggested treating all infrequently-traded swaps as blocks and defines such transactions as exhibiting all or some of the following features: (1) The constituent swap or swaps to which they are economically related are not executed on, or pursuant to the rules of, a SEF or DCM; (2) few market participants have transacted in these swaps or in economically-related swaps; or (3) few swap transactions are executed during a historic period in these swaps or in economically-related swaps.[198] Parascandola recommended block treatment for small notional and odd-lot trades, particularly in index products where the notional amount is below $10 million.[199] Kinetix suggested that transactions in any product with fewer than 250 transactions annually should receive treatment as block trades.[200] Vanguard urged a more granular approach to swap categories and thresholds to ''recognize distinct liquidity pools.''[201] Vanguard and SIFMA suggested that swaps that trade fewer than 14 trades per day should be blocks.[202] AII suggested block treatment for swaps that trade less than 5 times per day.[203]

After consideration of the comments received, the Commission is adopting the swap categories described in the sections above. The Commission believes that the trade frequency of a single instrument is but one measure of liquidity for such a swap and does not factor in the pool of instruments that are capable of providing an economically equivalent position, either individually or on a portfolio basis.

B. Appropriate Minimum Block Size Methodologies for the Initial and Post-Initial Periods

The Commission proposed a tailored approach for determining appropriate minimum block sizes during the initial and post-initial periods for each asset class. In the subsections below, the Commission sets out a more detailed discussion of the appropriate minimum block size methodologies for swaps within: (1) Swap categories in the interest rate and credit asset classes; (2) the single swap category in the equity asset class; (3) swap categories in the FX asset class; and (4) swap categories in the other commodity asset class. Thereafter, the Commission discusses special rules for determining the appropriate minimum block sizes across asset classes.

[192] CL–Javelin at 5–6; CL–SDMA at 6.

[193] CL–Barclays at 4.

[194] *Id.*

[195] ISDA/SIFMA recommended that every transaction (regardless of size) in a swap category for which there are no more than 14 swaps traded per business day receive block treatment for a period of 1 year. CL–ISDA/SIFMA at 12.

[196] According to ISDA/SIFMA, ''[f]orcing the same transparency standards on market participants for both liquid and illiquid products will be detrimental. Instantaneous trade disclosure for highly illiquid products, combined with the potential for SEF or DCM execution, is likely to erode their liquidity further and to do severe damage to the safety and soundness of the system as a whole.'' *Id.*

[197] *Id.*

[198] CL–GFMA at 3.

[199] CL–Parascondola at 1.

[200] CL–Kinetix at 1.

[201] CL–Vanguard at 5.

[202] CL–SIFMA at 10; CL–Vanguard at 7.

[203] CL–AII at 6.

1. Phase-In of Appropriate Minimum Block Sizes

As discussed in Section I.C.2. above, the Commission proposed a phase-in of its regulations regarding appropriate minimum block size methodologies so that market participants could better adjust their swap trading strategies to manage risk, secure new technologies, and make necessary arrangements to comply with part 43. Thus, the Commission proposed two provisions relating to the Commission's determination of appropriate minimum block sizes: (1) Initial appropriate minimum block sizes under proposed § 43.6(e); and (2) post-initial appropriate minimum block sizes under proposed § 43.6(f).

The Commission received ten comments regarding the proposed phase-in of its appropriate minimum block size methodologies. Four commenters, AII, EEI, SIFMA, and Vanguard, requested that the Commission apply block status to all swaps during the initial period.[204] AII stated that removing (or lowering) block thresholds would appropriately transition the market and avoid harming liquidity.[205] SIFMA recommended collecting SDR data during the initial period and gradually and iteratively phasing in block thresholds.[206] Vanguard also expressed concern regarding the liquidity impacts of setting block thresholds without more data.[207]

Eight commenters suggested that the Commission establish a more conservative threshold during the initial period. AII recommended that the Commission either remove block trading thresholds during the initial period or lower the thresholds below the proposed levels to appropriately transition the market and avoid unnecessarily harming liquidity.[208] Barclays recommended introducing block levels that allow for empirical analysis of the transaction data and sequentially increasing block sizes until such point as the desired equilibrium between transparency and liquidity is reached.[209] GFMA stated that, if the Commission used a percentage notional test, then it should introduce it in a phased manner to assess the impact on the market over time and ensure it has sufficient flexibility to amend the notional percentage.[210] ICAP Energy proposed specific initial block thresholds for PJM at 50 MW/Hr and for SP–15 and Mid-C at 30 MW/Hr, and for natural gas basis swaps at 2500 MMBTUs/day.[211] ICI, while supporting a 50 percent notional amount calculation, urged the Commission to phase-in the calculation for very illiquid instruments (less than 3 or 4 trades per week) by first implementing a 25 percent notional amount calculation, in order to alleviate potential harmful effects of disclosure of large block sizes on liquidity, particularly in illiquid swaps markets.[212] ISDA/SIFMA stated that the Commission should phase in the block threshold in order to allow trading on SEFs and DCMs to develop and suggested setting the threshold based on a 25-percent notional amount calculation.[213] SIFMA proposed a multi-phase process for establishing block levels, starting with a one-year data collection phase, followed by an initial period with low block levels.[214] The block levels would then be decreased if the Commission found that liquidity significantly decreased or bid-ask spreads significantly increased over the quarter for swaps close to, but below, the block threshold.[215] WMBAA encouraged the Commission to implement lower block trade thresholds while the post-trade reporting requirements are implemented and market participants begin providing data to SDRs for cleared and uncleared swaps.[216]

After consideration of the comments above, the Commission is adopting a phased-in approach as proposed, but with modifications in response to the comments above regarding phasing, as more fully described below.

2. Overview of Proposed Approach

The chart below summarizes swap categories and calculation methodologies that the Commission proposed for each asset class in both the initial period and the post-initial period.

[204] CL–AII at 3; CL–EEI at 5; CL–SIFMA at 3; CL–Vanguard at 7.

[205] CL–AII at 3.

[206] CL–SIFMA at 3.

[207] CL–Vanguard at 7.

[208] CL–AII at 3.

[209] CL–Barclays at 11.

[210] CL–GFMA at 3.

[211] CL–ICAP Energy at 3.

[212] CL–ICI at 7.

[213] CL–ISDA/SIFMA at 13.

[214] CL–SIFMA at 3.

[215] *Id.*

[216] CL–WMBAA at 4.

PROPOSED APPROACH

Asset class	Swap category criteria	Initial implementation period	Post-initial implementation period [217]
Interest Rates	By unique currency and tenor grouping [218]	67-percent notional amount calculation by swap category [219]	67-percent notional amount calculation by swap category [220]
Credit	By tenor and conventional spread grouping [221]		
FX	By numerated FX currency combinations (*i.e.,* futures related) [222]	Based on DCM futures block size by swap category [223]	
	By non-enumerated FX currency combinations (*i.e.,* non-futures related) [224]	All trades may be treated as block trades [225]	
Other Commodity	By economically-related Appendix B to part 43 contract if the swap is (1) futures related and (2) the relevant futures contract is subject to DCM block trade rules [226]	Based on DCM futures block size by swap category [227]	
	By economically-related Appendix B to part 43 contract if the swap is: (1) futures related and (2) the relevant futures contract is *not* subject to DCM block trade rules [228]	No trades may be treated as blocks [229]	
	By economically-related Appendix B to part 43 contract if the swap is (1) a listed natural gas or electricity swap contract and (2) the relevant Appendix B contract is not futures related [230]	Appropriate minimum block size equal to $25 million [231]	
	By swaps that are economically related to the list of 18 contracts listed in § 43.6(b)(5)(ii) [232]	Based on DCM futures block size by swap category [233]	
	By Appendix D to part 43 commodity group, for swaps not economically related to a contract listed in Appendix B to part 43 or to the list of 18 contracts listed in § 43.6(b)(5)(ii) [234]	All trades may be treated as block trades [235]	
Equity	All equity swaps [236]	No trades may be treated as blocks [237]	

3. The 67-Percent Notional Amount Calculation for Determination of Appropriate Minimum Block Sizes

The Commission proposed using a 67-percent notional amount calculation to determine initial and post-initial appropriate minimum block sizes for swaps in the interest rate and credit asset classes pursuant to proposed §§ 43.6(c)(1), 43.6(e)(1), and 43.6(f)(1).[238] The Commission also proposed using a 67-percent notional amount calculation to determine post-initial appropriate minimum block sizes for swaps in the FX and other commodity asset classes pursuant to § 43.6(f)(1).

The 67-percent notional amount calculation as proposed is a methodology under which the Commission would: (Step 1) select all of the publicly reportable swap transactions within a specific swap category using a rolling three-year window of data beginning with a minimum of one year's worth of data and adding one year of data for each calculation until a total of three years of data is accumulated;[239] (step 2) convert to the same currency or units and use a ''trimmed data set'';[240] (step 3) determine the sum of the notional amounts of swaps in the trimmed data set; (step 4) multiply the sum of the notional amount by 67 percent; (step 5) rank order the observations by notional amount from least to greatest; (step 6) calculate the cumulative sum of the observations until the cumulative sum is equal to or greater than the 67-percent notional amount calculated in step 4; (step 7) select the notional amount associated with that observation; (step 8) round the notional amount of that observation to two significant digits, or if the notional amount associated with that observation is already significant to two digits, increase that notional amount to the next highest rounding

[217] This post-initial implementation period would commence after an initial period, lasting at least one year. Thereafter, the Commission would determine appropriate minimum block sizes a minimum of once annually. *See* proposed § 43.6(f)(1).

[218] *See* proposed § 43.6(b)(1).

[219] *See* proposed § 43.6(c)(1).

[220] *See* proposed § 43.6(f)(2).

[221] *See* proposed § 43.6(b)(2).

[222] *See* proposed § 43.6(b)(4)(i).

[223] *See* proposed § 43.6(e)(1).

[224] *See* proposed § 43.6(b)(4)(ii).

[225] *See* proposed § 43.6(e)(2).

[226] *See* proposed § 43.6(b)(5)(i).

[227] *See* proposed § 43.6(e)(1).

[228] *See* proposed § 43.6(b)(5)(i).

[229] *See* proposed § 43.6(e)(3).

[230] *See* proposed § 43.6(b)(5)(i).

[231] *See* proposed § 43.6(e)(3).

[232] *See* proposed § 43.6(b)(5)(ii).

[233] *See* proposed § 43.6(e)(1).

[234] *See* proposed § 43.6(b)(5)(iii) and the product types groupings listed in proposed appendix D to part 43.

[235] *See* proposed § 43.6(e)(2).

[236] *See* proposed § 43.6(b)(3).

[237] *See* proposed § 43.6(d).

[238] Proposed § 43.6(c)(1) describes the 67-percent notional amount calculation. Proposed § 43.6(e)(1) provides the provisions relating to the methodology for determining appropriate minimum block sizes during the initial period for swaps in the interest rate and credit asset classes, inter alia.

[239] *See* note 85 supra for the definition of publicly reportable swap transaction. Since the Commission proposed to determine all appropriate minimum block sizes based on reliable data for all publicly reportable swap transactions within a specific swap category, the Commission does not view the fact that more than one SDR may collect such data as raising any material concerns.

[240] *See* proposed amendment to § 43.2 and the discussion infra in this section.

point of two significant digits;[241] and (step 9) set the appropriate minimum block size at the amount calculated in step 8. An example of how the Commission would apply this proposed methodology is set forth in section VII of this final rule.

Twenty-eight commenters provided general comments on the resulting proposed block sizes or on the general approach of using a notional amount calculation. Out of the 28 commenters, 14 opposed the 67 percent notional amount calculation and/or supported lower appropriate minimum block sizes,[242] 12 supported the 67 percent notional amount calculation and/or supported higher appropriate minimum block sizes,[243] 1 commenter felt unable to comment on the 67 percent notional amount calculation without actual swap data,[244] and 1 commenter opposed the 67 percent notional calculation for the other commodity asset class, but also felt that the 50 percent notional calculation was too low for interest rates.[245]

Of the 14 commenters who opposed the 67 percent notional amount calculation and/or supported lower appropriate minimum block sizes, two commenters, CME and Barclays, opposed the notional amount calculation generally, but not necessarily the resulting block sizes.[246] CME stated that the rule is arbitrary and unrelated to the explicit goals of Dodd-Frank with respect to setting appropriate minimum block sizes.[247] Barclays stated that the calculation is not based on any analysis of the impact that these thresholds will have on liquidity or on the corresponding costs to market participants.[248] The other commenters in this group generally expressed concern that the appropriate minimum block sizes were too large and would reduce liquidity and/or disrupt markets. For example, AII stated that ''we believe that if the CFTC utilizes the 67 percent notional calculation required under the Proposed Rules, the CFTC will sacrifice liquidity for certain swap products and alter the proper functioning of the marketplace in the name of transparency.''[249]

Several of the commenters who opposed the 67 percent notional amount calculation and/or supported lower appropriate minimum block sizes specifically discussed the 50 percent notional amount calculation. These commenters generally expressed concern that the 67 percent notional amount calculation resulted in appropriate minimum block sizes that are too high and would result in reduced liquidity in these markets. Freddie Mac and ICI expressly supported a 50 percent notional amount calculation.[250] Pierpont and WMBAA recommended a notional amount calculation of no greater than 50 percent.[251] ICAP Energy and SIFMA recommended a notional amount calculation below 50 percent, but preferred a 50 percent notional amount calculation to a 67 percent notional amount calculation.[252] AII and ICAP recommended not using a notional amount calculation at all, but preferred a 50 percent notional amount calculation to a 67 percent notional amount calculation.[253]

Some of the commenters who opposed the 67 percent notional amount calculation and/or supported lower appropriate minimum block sizes did so conditionally. MFA preferred the 50 percent notional amount calculation over the 67 percent primarily in the initial period—''if swap categories are not properly distinguished, and the Commission cannot ensure a calibration of the initial minimum block sizes to current market conditions, we hesitate to endorse the 67 percent notional amount calculation in the final rulemaking and prefer instead that the Commission use a 50 percent notional amount calculation, particularly in the initial period, with a phase-in to a 67 percent notional amount calculation over time.''[254] Two other commenters supported the 50 percent notional amount calculation, but in the context of specific asset classes—Freddie Mac for the interest rate asset class and ICAP Energy for the other commodity asset class ''for year two and beyond.''[255]

Of the 12 commenters who supported the 67 percent notional amount calculation and/or higher appropriate minimum block sizes, several argued that lower appropriate minimum block sizes were inconsistent with congressional intent. Barnard and SDMA specifically stated that a 50 percent notional amount calculation would not constitute a ''vast majority'' of swap transactions as intended by Congress.[256] Moreover, commenters also suggested that the 67 percent notional amount calculation supported the statutory requirements of section 2(a)(13) of the CEA as well as congressional intent. For example, Arbor stated that ''the 67% rule and the Market Depth test are consistent with [c]ongressional [i]ntent, promotes transparency and trading of SEFs, provides better market data, and is a conservative approach given the market's size.''[257] CRT and Currenex stated that the 67 percent notional amount calculation would achieve a proper balance between market transparency and market liquidity.[258] Jefferies stated that the 67 percent notional amount calculation was consistent with congressional intent.[259]

Seven commenters expressed a preference for the 67 percent notional amount calculation, but also supported another alternative.[260] ODEX, RJ O'Brien, and Spring Trading expressed support for the 67 percent notional amount calculation, but also suggested that a higher notional amount calculation would be preferable, particularly in the post-initial period.[261] AFR, Better Markets, Javelin, and SDMA all recommended a 75 percent or higher notional amount calculation and a market depth and market breadth test.[262]

A number of commenters also expressed concern regarding imposing the proposed 67 percent notional amount calculation prior to analysis of swap data collected by SDRs. AII recommended lowering or eliminating block thresholds until complete data has been reported to SDRs so as not to

[241] For example, if the observed notional amount is $1,250,000, the amount should be increased to $1,300,000. This adjustment is made to assure that at least 67 percent of the total notional amount of transactions in a trimmed data set are publicly disseminated in real time.

[242] Commenters in this category include AII, Barclays, CME, Freddie Mac, ICAP Energy, ICAP North America, ICI, ISDA/SIFMA, MFA, Morgan Stanley, Pierpont, SIFMA, Vanguard, WMBAA.

[243] Commenters in this category include Arbor, AFR, Barnard, Better Markets, CRT, Currenex, Javelin, Jefferies, ODEX, RJ O'Brien, SDMA, Spring Trading.

[244] CL–GFMA at 3.

[245] CL–FIA at 2–3.

[246] CL–CME at 2; CL–Barclays at 10.

[247] CL–CME at 2.

[248] CL–Barclays at 10.

[249] CL–AII at 2.

[250] CL–Freddie at 2; CL–ICI at 6–7.

[251] CL–Pierpont at 3; CL–WMBAA at 3.

[252] CL–ICAP Energy at 3; CL–SIFMA at 10.

[253] CL–AII at 6; CL–ICAP Energy at 4.

[254] CL–MFA at 3–4.

[255] CL–Freddie at 2; CL–ICAP Energy at 3.

[256] The ''guiding principle in setting appropriate block trade levels [is that] the vast majority of swap transactions should be exposed to the public market through exchange trading.'' Congressional Record—Senate, S5902, S5922 (July 15, 2010); CL–Barnard at 3; CL–SDMA at 2.

[257] CL–Arbor at 1.

[258] CL–CRT at 1–2; CL–Currenex at 2.

[259] CL–Jefferies at 1–2.

[260] CL–AFR at 8–9; CL–Better Markets at 7–8; CL–Spring Trading at 2; CL–ODEX at 1; CL–RJ O'Brien at 1; CL–AFR at 8–9; CL–Better Markets at 7–8; CL–Javelin at 2; CL–SDMA at 2.

[261] CL–ODEX at 1; CL–RJ O'Brien at 1; CL–Spring Trading at 2.

[262] CL–AFR at 8–9; CL–Better Markets at 7–8; CL–Javelin at 2; CL–SDMA at 2. For a discussion of market depth and market breadth, *see infra* note 271 and accompanying text.

impair market liquidity.[263] Barclays recommended introducing block levels that allow for empirical analysis of the transaction data and sequentially increasing block sizes until such point as the desired equilibrium between transparency and liquidity is reached.[264] Better Markets suggested transitioning to a market depth and market breadth test after the Commission has collected a year of SDR data.[265] GFMA could not comment on the 67 percent notional amount calculation in the absence of swap data.[266] ICAP Energy stated that once post-implementation swap data is obtained, then the Commission and industry will be in better position to assess liquidity and propose block levels.[267] ICI stated that, for those asset classes where no data is available, it is impossible to determine whether the Commission has identified the most relevant criteria for swap categories.[268] ISDA/SIFMA suggested that for new interest rate swap products the Commission should allow for block treatment until sufficient data is available.[269] Vanguard stated that block thresholds cannot be established absent an adequate data source and time for assessment.[270]

In the Further Block Proposal, the Commission specifically requested comment regarding other potential methods for determining appropriate minimum block thresholds. While the Commission received numerous comments regarding the efficacy of a notional amount calculation and the appropriate percentage to use in making such a calculation, the Commission only received significant comments regarding one other method. The Commission received a number of comments regarding whether the Commission should use a market depth and market breadth test, instead of the 67 percent notional amount calculation methodology, to calculate the relevant initial minimum block sizes and the post-initial minimum block sizes.[271]

Many commenters expressed support for adopting the market depth test[272] and other commenters additionally supported utilizing the market breadth test.[273] Several commenters stated that such tests would provide a more accurate depiction of overall liquidity in specific markets, and thus would produce more appropriate minimum block sizes.[274] Other commenters stated that employing the tests would be consistent with congressional intent expressed in the Dodd-Frank Act.[275] MFA, however, cautioned that current market depth may be an unreliable indicator because it may vary over time and be subject to manipulation.[276]

Several commenters supported using the market depth and market breadth test in conjunction with the proposed notional amount calculation methodology and proposed different approaches. Some commenters recommended using the market depth test during the initial period as a cross-check against the Commission's notional amount calculations.[277] SDMA and Javelin argued that a market depth and market breadth analysis would justify adoption of a 75-percent notional amount threshold in the initial period;[278] AFR suggested, however, that such a threshold could be set as a floor, with higher thresholds available based on liquidity levels.[279] Spring Trading suggested using the market depth test on a quarterly basis to refine the 67-percent threshold during the initial period.[280] Jefferies recommended using the test in the post-initial period to complement the 67-percent notional amount calculation in the initial period for interest rate and credit swaps.[281]

Some commenters noted the need for available and sufficient data to adopt the market depth and market breadth tests. AFR commented that sufficient data was already available based on information provided on trading screens of trading venues.[282] Other commenters, however, stated that additional market data would allow the tests to produce a more adequate snapshot of liquidity.[283] For example, SDMA recommended adopting the tests after obtaining six months of data; Vanguard and Better Markets recommended a year.[284]

After consideration of the comments received in regard to phasing-in the appropriate minimum block size and the 67-percent notional amount calculation, the Commission is adopting § 43.6(e)(1) with the following modifications. For the initial period, the Commission is adopting the 50 percent notional amount calculation to determine appropriate minimum block sizes in the interest rate swaps and credit asset classes. The Commission is of the view that this approach provides for a more gradual phase-in of minimum block sizes as recommended by numerous commenters. Moreover, this will allow SDRs to collect at least one year of reliable data for each swap category prior to the application of the higher 67-percent notional amount calculation to determine appropriate minimum block sizes in the post initial period, which the Commission is adopting as discussed below.

For the post-initial period, the Commission is adopting § 43.6(f)(1) as proposed. The 67-percent notional amount calculation is intended to ensure that within a swap category, approximately two-thirds of the sum total of all notional amounts are reported on a real-time basis. This approach would ensure that market participants have a timely view of a substantial portion of swap transaction and pricing data to assist them in determining, inter alia, the competitive

[263] CL–AII at 6.

[264] CL–Barclays at 11.

[265] CL–Better Markets at 9–10.

[266] CL–GFMA at 3.

[267] CL–ICAP Energy at 2.

[268] CL–ICI at 4.

[269] CL–ISDA/SIFMA at 14.

[270] CL–Vanguard at 7.

[271] Market depth and market breadth was proposed to be calculated as follows: (step 1) Identify swap contracts with pre-trade price transparency within a swap category; (step 2) calculate the total executed notional volumes for each swap contract in the set from step 1 and calculate the sum total for the swap category over the look back period; (step 3) collect a market depth snapshot of all of the bids and offers once each minute for the pre-trade price transparency set of contracts identified in step 1; (step 4) identify the four 30-minute periods that contain the highest amount of executed notional volume each day for each contract of the pre-trade price transparency set identified in step 1 and retain 120 observations related to each 30-minute period for each day of the look-back period; (step 5) determine the average bid-ask spread over the look-back period of one year by averaging the spreads observed between the largest bid and executed offer for all the observations identified in step 3; (step 6) for each of the 120 observations retained in step 4, calculate the sum of the notional amount of all orders collected from step 3 that fall within a range, calculate the average of all of these observations for the look-back period and divide by two; (step 7) to determine the trimmed market depth, calculate the sum of the market depth determined in step 6 for all swap contracts within a swap category; (step 8) to determine the average trimmed market depth, use the executed notional volumes determined in step 2 and calculate a notional volume-weighted average of the notional amounts determined in step 6; (step 9) using the calculations in steps 7 and 8, calculate the market breadth based on the following formula: market breadth = averaged trimmed market depth + (trimmed market depth − average trimmed market depth) × .75; (step 10) set the appropriate minimum block size equal to the lesser of the values from steps 8 and 9. 77 FR 15,482.

[272] CL–CME at 2; CL–ODEX at 2; CL–Spring Trading at 2; CL–MFA at 7; CL–FIA at 2.

[273] CL–Arbor at 1; CL–AFR at 8–9; CL–Jeffries at 2; CL–SDMA at 3–6; CL–Javelin at 4–6; CL–RJ O'Brien at 1; CL–Better Markets at 9–10; CL–CRT at 2; CL–FIA at 2.

[274] CL–AFR at 9; CL–Spring Trading at 2; CL–FIA at 2; CL–SDMA at 8.

[275] CL–Arbor at 1; CL–CME at 2; CL–AFR at 3.

[276] CL–MFA at 7.

[277] CL–MFA at 7; CL–SDMA at 7; CL–Spring Trading at 2.

[278] CL–SDMA at 5; CL–Javelin at 2.

[279] CL–AFR at 9.

[280] CL–Spring Trading at 2.

[281] CL–Jefferies at 3.

[282] CL–AFR at 9.

[283] CL–Jefferies at 2; CL–Javelin at 6; CL–Arbor at 1; CL–RJ O'Brien at 1; CL–CRT at 2.

[284] CL–Better Markets at 10; CL–SDMA at 7; CL–Vanguard at 7.

price for swaps within a relevant swap category. The Commission anticipates that enhanced price transparency would encourage market participants to provide liquidity (*e.g.,* through the posting of bids and offers), particularly when transaction prices move away from the competitive price. The Commission also anticipates that enhanced price transparency would improve market integrity and price discovery, while reducing information asymmetries enjoyed by market makers in predominately opaque swap markets.[285]

In the Commission's view, using the 67-percent notional amount calculation in the post-initial period also would minimize the potential impact of real-time public reporting on liquidity risk. The Commission views this calculation methodology as an incremental approach to achieve real-time price transparency in swaps markets. The Commission believes that its methodology, in conjunction with the 50-percent notional amount calculation during the initial period, represents a tailored approach towards achieving the goal of subjecting ''a vast majority'' of swap transactions to real-time public reporting.[286]

As noted above, CEA section 2(a)(13)(E)(iv) directs the Commission to take into account whether the public disclosure of swap transaction and pricing data ''will materially reduce market liquidity.'' [287] If market participants conclude that the Commission has set appropriate minimum block sizes for a specific swap category in a way that will materially reduce market liquidity, then those participants are encouraged to submit data to support their conclusion. In addition, through its own surveillance of swaps market activity, the Commission may become aware that an appropriate minimum block size would reduce market liquidity for a specific swap category.[288] In response to either a submission or its own surveillance of swaps market activity the Commission may exercise its legal authority to take action by rule or order to mitigate the potential effects on market liquidity with respect to swaps in a particular swap category.

With respect to the market depth and market breadth test, the Commission is declining to adopt this approach to determine appropriate minimum block sizes at this time. The Commission considers the test a viable alternative to the notional amount calculation methodology, but also recognizes several prerequisites to implementing such a test. For example, the Commission would need to determine which contracts within a swap category offer pre-trade price transparency—electronically displayed and executable bids and offers as well as displayed available volumes for execution. As noted by commenters, adequate market trading data also must be available to collect a market depth snapshot of all of the bids and offers for the pre-trade price transparency set of applicable contracts. The Commission is also cognizant of MFA's concerns regarding the potential for manipulation of market depth. Given the time needed for trading infrastructure to develop and the significant time and cost considerations involved in collecting such data from SEFs and DCMs, the Commission will continue to examine the merits of adopting the market depth and market breadth test.

The Commission is currently of the view that data is per se reliable if it is collected by an SDR for an asset class after the respective compliance date for such asset class as set forth in part 45 of the Commission's regulations or by other Commission action. The Commission notes that SDRs have been collecting data pursuant to the compliance dates for certain market participants and asset classes since December 2012. DCMs and Swap Dealers (''SDs'') began reporting swap transactions in the interest rate and credit default swap asset classes on December 31, 2012.[289] DCMs and SDs began reporting swap transactions in the FX, equity, and other commodity asset classes on February 28, 2013.[290] Major Swap Participants (''MSPs'') began reporting swap transactions in all five asset classes on February 28, 2013.[291] Financial Entities began reporting swap transactions in the interest rate and credit default swap asset classes on April 10, 2013.[292] Financial Entities begin reporting swap transactions for swaps executed starting April 10, 2013, in the FX, equity, and other commodity asset classes on May 29, 2013.[293] Non-SDs, non-MSPs, and non-Financial Entities begin reporting swap transactions for swaps executed starting April 10, 2013, in the interest rate and credit default swap asset classes on July 1, 2013.[294] Non-SDs, non-MSPs, and non-Financial Entities begin reporting swap transactions for swaps executed starting April 10, 2013, in the FX, equity, and other commodity asset classes on August 19, 2013.[295] Accordingly, the Commission and SDRs will have one year of reliable data as of April 10, 2014.

The Commission notes that in response to either a submission or its own surveillance of swaps market activity, the Commission may exercise its legal authority to take action by rule or order to delay the imposition of post-initial appropriate minimum block sizes, particularly with respect to swap categories in the other commodity asset class.

4. Data for Determination of Appropriate Minimum Block Sizes in the Post-Initial Period

As referenced above in § 43.6(f)(2), the Commission proposed determining post-initial appropriate minimum block sizes utilizing a three-year rolling window (beginning with a minimum of one year and adding one year of data for each calculation until a total of three years of data is accumulated) of swap transaction and pricing data.

The Commission received eight comments regarding the use of a three-

[285] The proposed calculation stands in contrast to the proposed 95th percentile-based distribution test set out in the Initial Proposal. *See* the discussion in section I.B. of the Further Block Proposal.

[286] *See* note 41 supra. This phased-in approach seeks to improve transparency while not having a negative impact on market liquidity.

[287] 7 U.S.C. 2(a)(13)(E)(iv).

[288] The Commission received two comments supporting the Commission's authority to set appropriate minimum block sizes outside of the proposed annual look-back period. MFA argued that the Commission's goal to balance transparency and liquidity would be better achieved with the flexibility to adjust minimum block sizes quickly to respond to material market changes. CL–MFA at 8. MFA recommended that the Commission should have the authority to update post-initial minimum block sizes in extraordinary circumstances and on a case-by-case basis, based on SDR data that it receives for individual or across multiple swap categories. *Id.* GFMA stated that if the Commission establishes a notional calculation test, then it should ensure that it has sufficient flexibility to amend minimum block sizes. CL–GFMA at 4. GFMA recommended that the Commission should be able to ''swiftly alter'' block trade levels to enable some trading to be conducted in a newly illiquid market, without the benefit of reference to a data set. *Id.* The Commission notes that § 43.6(f)(1) provides that the Commission shall update post-initial appropriate minimum block levels ''[n]o less than once each calendar year.'' Accordingly, the Commission notes that it has the ability to adjust post-initial minimum block sizes under the types of extraordinary circumstances raised by commenters.

[289] *See* ''Commission Q & A—On the Start of Swap Data Reporting'' (Oct. 9, 2012).

[290] *See* ''No-Action Relief for Swap Dealers from Certain Swap Data Reporting Requirements of Part 43, Part 45, and Part 46 of the Commission's Regulations Due to Effects of Hurricane Sandy,'' Commission Letter No. 12–41 (Dec. 5, 2012).

[291] *See id.*

[292] *See* ''Time-Limited No-Action Relief for Swap Counterparties that are not Swap Dealers or Major Swap Participants, from Certain Swap Data Reporting Requirements of Parts 43, 45 and 46 of the Commission's Regulations,'' Commission Letter No. 13–10 (Apr. 9, 2013).

[293] *See id.*

[294] *See id.*

[295] *See id.*

year rolling window of data. AII believed it would be more prudent for the Commission to base block trading thresholds on a shorter time frame, using newer data. AII recommended that the Commission should only use the highest of the three-year, one-year, or one-quarter data collected in the determinations.[296] GFMA stated that the three-year rolling data set is unlikely to be sensitive enough to shorter term changes in market liquidity and therefore risks setting block sizes that do not reflect current market conditions.[297] ICI believed that a three-year window may not provide an appropriate data set to calculate the block threshold, and encouraged the Commission to look at a one-year set of data and a one-quarter set of data to determine whether the calculation would produce more accurate results.[298] ISDA/SIFMA recommended a 6-month window for determining appropriate minimum block sizes, as a three-year rolling window is over-inclusive, particularly in CDS.[299] Kinetix expressed concern that historical data may not be indicative of current market conditions.[300] MFA was concerned that the three-year window would constrain the ability to shorten the look-back period if material changes in market conditions warranted a smaller data set, and recommended retaining the option to shorten the look-back window for the observed data set.[301] SIFMA believed that block reassessments should look to data on swaps executed since the previous reassessment, rather than from a three-year data window as proposed by the Commission.[302] Vanguard believed the assessment should be made on the basis of data recorded over a rolling three-month period for each swaps category.[303]

After consideration of the comments received, the Commission is adopting § 43.6(f)(2) with modifications. Based upon the numerous comments recommending a data set covering a shorter time frame, the Commission will determine post-initial appropriate minimum block sizes under § 43.6(f)(2) utilizing a one-year window of swap transaction and pricing data. This approach will allow the Commission to better calibrate block thresholds to changes in market liquidity, while at the same time providing enough data to smooth out fluctuations in data such as those that may result from, for example, seasonality.

As referenced above, the Commission proposed to amend § 43.2 of the Commission's regulations to define the term ''trimmed data set'' as a data set that has had extraordinarily large notional transactions removed by transforming the data into a logarithm with a base of ten (Log_{10}), computing the mean, and excluding transactions that are beyond four standard deviations above the mean. Proposed § 43.6(c) uses this term in connection with the calculations that the Commission would undertake in determining appropriate minimum block sizes and cap sizes.

The Commission received five comments regarding the proposed use of a trimmed data set. Three commenters supported the use of a trimmed data set, but suggested alternative approaches. ISDA/SIFMA opposed the proposed methodology and believed that it would establish a threshold that is too high to exclude large transactions.[304] Therefore, ISDA/SIFMA recommended that the Commission look instead at the raw block size (calculated based on all transactions in the relevant swap category) and eliminate any trades more than five times larger than the block threshold.[305] ISDA/SIFMA alternatively recommended that the Commission only exclude transactions that are three standard deviations beyond the mean because the proposed methodology (excluding transactions that are four standard deviations beyond the mean) would capture large transactions that would otherwise skew the data.[306] For purposes of applying a market depth and market breadth test, Javelin and SDMA recommended trimming each data set to focus only on bids or offers at the ''current price''—the Commission would (1) determine the mid-point of the bid-offer spread; (2) capture orders between the bid and this value; and (3) capture orders between the offer and this value.[307]

Two commenters opposed data trimming on the grounds that it is irrelevant to the purpose of determining minimum block trade sizes. AFR and Better Markets believed that trimming the data set would ultimately skew minimum block size calculations, such that certain-sized trades would be classified as block trades.[308] Better Markets stated that the Commission should disclose the discrepancies between using a trimmed data set versus an unfiltered data set to calculate the block size threshold because the public lacks the data to make this determination on its own.[309]

After consideration of the comments received, the Commission is adopting § 43.2 as proposed and applying the concept of a trimmed data set in § 43.6(c) as proposed. The Commission believes that removing the largest transactions, but not the smallest transactions, may provide a better data set for establishing the appropriate minimum block size, given that the smallest transactions may reflect liquidity available to offset large transactions. Moreover, in the context of setting a block trade level (or large notional off-facility swap level), a method to determine relatively large swap transactions should be distinguished from a method to determine extraordinarily large transactions; the latter may skew measures of the central tendency of transaction size (*i.e.,* transactions of usual size) away from a more representative value of the center.[310] Therefore, trimming the data set increases the power of these statistical measures. In response to the commenters who oppose data trimming, the Commission emphasizes that trimming the data set is necessary to avoid the skewing of these measures, which could lead to the establishment of inappropriately high minimum block sizes.

5. Methodology for Determining the Appropriate Minimum Block Sizes by Asset Class

a. Interest Rate and Credit Default Swaps

As described above, the Commission proposed using a 67-percent notional amount calculation to determine appropriate minimum block sizes for swaps in the interest rate and credit asset classes in both the initial and post-initial periods pursuant to §§ 43.6(c)(1), 43.6(e)(1), and 43.6(f)(1). There was an exception to the use of the 67-percent notional amount calculation for the initial period in three swap categories in the interest rate and credit asset classes which contained less than 30 transactions that would meet the definition of publicly reportable swap transaction: (1) Interest rate swap

[296] CL–AII at 11.

[297] CL–GFMA at 4.

[298] CL–ICI at 7–8.

[299] CL–ISDA/SIFMA at 14.

[300] CL–Kinetix at 1.

[301] CL–MFA at 8.

[302] CL–SIFMA at 6–7.

[303] CL–Vanguard at 7.

[304] CL–ISDA/SIFMA at 14.

[305] *Id.*

[306] *Id.*

[307] CL–Javelin at 5; CL–SDMA at 8.

[308] CL–AFR at 7; CL–Better Markets at 9.

[309] CL–Better Markets at 9.

[310] A measure of central tendency, also known as a measure of location, in a distribution is a single value that represents the typical transaction size. Two such measures are the mean and the median. For a general discussion of statistical methods, *see e.g.,* Wilcox, R. R., Fundamentals of Modern Statistical Methods (Springer 2d ed. 2010), (2010).

category—major currency/30 years +; (2) interest rate swap category—non-major currency/30 years +; and (3) CDScategory—350 bps +/6 to 8.5 years. If the Commission were to use the proposed 67 percent notional calculation method, then two of the three swap categories would have resulted in appropriate minimum block sizes higher than those proposed. The remaining swap category contained no data. Accordingly, for these three swap categories in the initial period, the Commission proposed using the lowest appropriate minimum block size for their respective asset classes based on the respective data set.[311] In the interest rate asset class, the swap category with the lowest block size was the non-major currency/5 to 10 years, with an appropriate minimum block size of $22 million (USD). In the credit asset class, the swap category with the lowest block size was the category 350 bps +/8.5 to 12.5 years, with an appropriate minimum block size of $21 million (USD). Hence, the appropriate minimum block size was proposed to be set at $22 million (USD) for the two interest rate swap categories with insufficient data and at $21 million (USD) for the corresponding CDS category.

For interest rate swaps specifically, the Commission received eight comments regarding the application of the 67 percent notional amount calculation to determine initial and post-initial minimum block sizes. Jefferies supported the Commission's proposal, stating that the 67 percent notional amount calculation was consistent with congressional intent and observed liquidity.[312] FIA did not explicitly support the 67 percent notional amount calculation, but stated that a 50 percent notional amount calculation for interest rate swaps would be significantly too low.[313] Javelin, ODEX, SDMA, and Spring Trading all recommended that the Commission maintain the proposed 67 percent notional amount calculation or raise the threshold higher.[314] Javelin and SDMA both suggested a 75 percent notional amount calculation in conjunction with a market breadth and market depth approach.[315] Other commenters, however, suggested lower values for the notional amount calculation—Freddie recommended a 50 percent notional calculation in the absence of more comprehensive data about liquidity and depth of swaps markets.[316] Pierpont commented that, for instances where one counterparty to a swap is not a registered swap dealer, the Commission should determine block levels based on a 25 percent notional amount calculation.[317]

For credit default swaps, the Commission received four comments regarding the application of the 67 percent notional amount calculation to determine initial and post-initial minimum block sizes. Jefferies supported the Commission's proposal, stating that the 67 percent notional amount calculation was consistent with congressional intent and observed liquidity.[318] Javelin recommended that the Commission maintain the proposed 67 percent notional amount calculation or raise the threshold higher, to a 75 percent notional amount calculation.[319] Four commenters supported a market depth and market breadth test for CDS.[320]

The Commission also received seven comments specifically regarding the interest rate swaps and CDS data sets used for determining swap categories and establishing appropriate minimum block thresholds in the initial period. AII commented that the data for interest rate swaps and CDS is no longer reflective of the market, nor is it reflective of the market that will result once the Commission's regulations are implemented in full, and urged the Commission not to rely on minimal and outdated data.[321] ICI stated that the historical data on which the Commission relies may not be reflective of the swaps market once the Dodd-Frank Act requirements are fully implemented.[322] Freddie stated that the interest rate data set may not be comprehensive enough to form the basis of the proposed minimum block sizes, particularly where the proposed post-initial appropriate minimum block sizes are determined after transaction and pricing data has been collected for a year.[323] ICAP recommended that, if the Commission relies on historical market data, then it should use data that is more current and demonstrated to be representative of the market.[324] MFA stated that, given limitations related to the size, composition, and timeliness of the data set that the Commission used for the initial period, the Commission should calibrate initial minimum block sizes against current market conditions.[325] Vanguard stated that block thresholds cannot be established absent an adequate data source and time for assessment.[326] WMBAA believed that, in basing rules on three months of data from over two years ago, the Commission has failed to ''examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choices made'' as well as ''determine as best it can the economic implications of the rule.'' [327]

As described more fully above, in response to comments regarding the data sets used for interest rate and credit default swaps, the use of an incremental approach, and the comments regarding phasing and the 67-percent notional amount calculation regardless of asset class, the Commission is adopting a phased-in approach to notional amount calculation. The Commission is adopting § 43.6(e)(1) and (f)(1) as proposed, with modifications. In the initial period, the Commission is adopting the 50-percent notional amount calculation to determine appropriate minimum block sizes in the interest rate and credit asset classes. The Commission believes that this approach provides for a more gradual phase-in of minimum block sizes, as explained more fully above.[328]

The Commission did not receive any comments regarding the exception to the 67 percent notional amount calculation for swap categories containing fewer than 30 transactions. Accordingly, the Commission will continue to apply this exception in instances where the a Interest Rate or Credit swap category contains fewer than 30 transactions in calculating appropriate minimum block thresholds for the initial period.

b. Equity

The Commission proposed under § 43.6(d) that all swaps in the equity asset class would not qualify for treatment as a block trade or large notional off-facility swap (*i.e.,* these swaps would not be subject to a reporting time delay under part 43). As noted above, the Commission proposed this approach based on (1) the existence of a highly liquid underlying cash market; (2) the absence of time delays for reporting block trades in the underlying equity cash market; (3) the

[311] 77 FR at 15480.

[312] CL–Javelin at 1–2.

[313] CL–FIA at 2.

[314] CL–Javelin at 2; CL–ODEX at 1; CL–SDMA at 2; CL–Spring Trading at 2.

[315] CL–Javelin at 2; CL–SDMA at 2.

[316] CL–Freddie at 2.

[317] CL–Pierpont at 3.

[318] CL–Javelin at 1–2.

[319] CL–Javelin at 2.

[320] CL–CRT at 1–2; CL–Javelin at 5–6; CL–Jefferies at 2; CL–SDMA at 2–7.

[321] CL–AII at 7.

[322] CL–ICI at 5.

[323] CL–Freddie at 2.

[324] CL–ICAP at 8.

[325] CL–MFA at 6–7.

[326] CL–Vanguard at 7.

[327] CL–WMBAA at 4–5.

[328] *See supra* Section II.B(3).

small relative size of the equity swaps market relative to the futures, options and cash equity index markets; and (4) the Commission's goal to protect the price discovery function of the underlying equity cash market and futures market.

The Commission received six comments regarding swap categories in the equity asset class. One commenter, AFR, felt that no block trade treatment is appropriate as proposed for the equity asset class.[329] Five other commenters recommended that the Commission treat equity swaps similarly to the other asset classes and establish swap categories based upon a range of criteria.[330]

AII disagreed with the Commission's proposal that no equity swaps should be treated as blocks and suggested harmonization with the SEC's approach for large equity trades.[331] Barclays also disagreed with disallowing block levels for all equity swaps and recommended that the equity asset class should be treated similarly to the other asset classes, such that broad based indices should have separate block levels based upon futures market levels.[332] Barclays also suggested that the Commission coordinate with the SEC in setting minimum block levels.[333] ICI recommended interim time delays for all equity swaps until a closer study of data on equity swap transactions is completed, due to potential differences in liquidity in the underlying equity cash market.[334] ISDA/SIFMA requested that the Commission reconsider its proposal and suggested that the Commission establish block sizes based on the consideration of total trading volume of swaps linked to the relevant underlying index or basket of equity securities.[335] SIFMA stated that the Commission should establish appropriate minimum block sizes for equity swaps based upon liquidity of the underlying indices.[336]

After consideration of the comments received, the Commission is adopting § 43.6(d) as proposed. While a number of the commenters pointed out differences in liquidity in the underlying equity indices as a justification for swap categorization, these differences do not alter the premises underlying the Commission's proposal. Even taking these differences into account, there is still (1) a highly liquid underlying cash market; and (2) a small equity swaps market relative to the futures, options, and cash equity index markets. These characteristics, combined with the fact that there are no time delays for reporting block trades in the underlying equity cash market, makes establishment of swap categories and block thresholds for equity swaps inappropriate.[337] Accordingly, the Commission is adopting § 43.6(d) as proposed.

c. FX

The Commission proposed to use different methodologies for the initial and post-initial periods to determine appropriate minimum block sizes for swaps categories in the FX asset class. The Commission's proposed approach is premised on the absence of actual market data on which to determine appropriate minimum block sizes in the initial period. Subsection a. below includes a discussion of the initial period methodology. Subsection ii. below includes a discussion of the post-initial period methodology.

i. Initial Period Methodology

The Commission proposed under § 43.6(e)(1) to set the appropriate minimum block sizes for swaps in the FX asset class during the initial period based on whether such swap is economically related to a futures contract, *i.e.,* a futures-related swap.[338] For futures-related swaps in the FX asset class, proposed § 43.6(e)(1) provides that the Commission would establish the appropriate minimum block sizes based on the block trade size thresholds set by DCMs for economically-related futures contracts.[339] The Commission set forth the initial appropriate minimum block sizes in proposed appendix F to part 43 of the Commission's regulations.[340] For non-futures related swaps in the FX asset class in the initial period, the Commission proposed under § 43.6(e)(2) that all such swaps would qualify to be treated as block trades or large notional off-facility swaps (*i.e.,* these swaps would be subject to a time delay under part 43 of the Commission's regulations). The Commission expected that this provision, as provided, only would apply to the most illiquid swaps.

The Commission received three comments specifically related to the proposed methodology for determining appropriate minimum block sizes for swap categories in the FX asset class during the initial period. SDMA supported the Commission's proposed block trade thresholds for the FX asset class.[341] AII, however, urged the Commission to consider removing the block trading threshold during the initial period for the FX asset class, so as to allow the Commission to use SDR data to properly evaluate the market.[342] ICAP recommended an initial block level of $10 million in the 1-month contract on a variety of FX non-deliverable forward contracts.[343]

The Commission notes that, since the Further Block Proposal, Treasury has issued a Final Determination, pursuant to sections 1a(47)(E)(i) and 1b of the CEA, that exempts FX swaps and FX forwards from the definition of ''swap'' under the CEA. Therefore, the requirements of section 2(a)(13) of the CEA would not apply to those transactions, and such transactions would not be subject to part 43 of the Commission's regulations.[344] Nevertheless, section 1a(47)(E)(iii) of the CEA provides that FX swaps and FX forwards transactions still are not excluded from regulatory reporting requirements to an SDR. Further, the Commission notes that Treasury's final determination excludes FX swaps and FX forwards, but does not apply to FX options or non-deliverable FX forwards. As such, FX instruments that are not covered by Treasury's final determination are subject to part 43 of the Commission's regulations.

After consideration of the comments received, the Commission is adopting § 43.6(e)(1) and (2) as proposed. However, given the changes to proposed § 43.6(b)(4)(i), which significantly reduce the number of swap categories, the Commission believes that this approach encompasses the most liquid FX swaps and instruments, including all

[329] CL–AFR at 6.

[330] CL–AII at 9; CL–Barclays at 9; CL–ICI at; ISDA/SIFMA at 10–11; SIFMA at 5.

[331] CL–AII at 9.

[332] CL–Barclays at 9.

[333] *Id.*

[334] CL–ICI at 5.

[335] CL–ISDA/SIFMA at 10–11.

[336] CL–SIFMA at 5.

[337] In the event that time delays are established for reporting block trades in the underlying equity cash market, the Commission may consider establishing swap categories and block thresholds for equity swaps.

[338] *See supra* note 169.

[339] For example, if swap A is economically related to futures F, and futures F is subject to the block trade rules of a DCM that applies at a notional amount of $1 million, then swap A would qualify for treatment as a block trade or large notional off-facility swap if the notional amount of swap A exceeds $1 million.

[340] In situations when two or more DCMs offer for trading futures contracts that are economically related, the Commission has selected the lowest applicable non-zero futures block size as the initial appropriate minimum block size. The Commission believes that this approach would reduce the chance that the appropriate minimum block size established by the Commission in the initial period would have an unintended adverse effect on market liquidity for the relevant swap category.

[341] CL–SDMA at 2.

[342] CL–AII at 3 n.10.

[343] CL–ICAP at 10.

[344] *See* Determination of Foreign Exchange Swaps and Foreign Exchange Forwards under the Commodity Exchange Act, 77 FR 69694, Nov. 20, 2012.

super-major currency combinations, as well as all super-major and major currency combinations. This approach further encompasses many important super-major and non-major currency combinations, many of which already have block trade size thresholds set by DCMs for economically-related futures contracts.[345] The Commission believes that this approach is appropriate during the initial period in the absence of actual swap data. The approach during the initial period would draw upon the experience of DCMs in considering the potential impacts on liquidity risk that enhanced transparency may cause in connection with futures contract execution.[346] The Commission understands that DCMs have set block sizes primarily in consideration of the objectives of enhancing pre-trade transparency and reducing liquidity risk.[347] The Commission notes that DCMs are required to set block sizes for futures in compliance with relevant core principles (including Core Principle 9)[348] and Commission regulations.[349]

ii. Post-Initial Period Methodology

In the post-initial period, the Commission proposed under § 43.6(f)(2) to utilize the 67 percent notional amount calculation to determine appropriate minimum block sizes for swap categories in the FX asset class. The Commission would group all publicly reportable swap transactions in the FX asset class into their respective swap categories and then apply the 67 percent notional amount calculation to determine the appropriate minimum block sizes.

The Commission received three comments specific to the proposed methodology for determining appropriate minimum block sizes for swap categories in the FX asset class during the post-initial period. SDMA supported the Commission's proposed block trade thresholds for the FX asset class.[350] Barclays and GFMA, however, expressed concern that the 67 percent notional amount calculation was proposed without actual swap data regarding the FX asset class.[351]

After consideration of the comments received, the Commission is adopting § 43.6(f)(2) with the modification that only those swap categories established in § 43.6(b)(4)(i) will have minimum block sizes set using this methodology in the post-initial period, while the remainder of the swaps covered by § 43.6(b)(4)(ii) will continue to be treated as blocks. The Commission believes that applying the 67 percent notional amount calculation will ensure that the vast majority of swap transactions are subject to real-time reporting.[352] In addition, applying the 67 percent notional amount calculation to all five asset classes in the post-initial period provides a consistent, bright-line rule regarding how appropriate minimum block thresholds will be calculated, thus providing clarity to market participants engaging in swap transactions. By allowing all swaps covered by § 43.6(b)(4)(ii) to be treated as blocks, the Commission is being conservative in its approach in potentially less liquid markets where the impacts to market participants of inappropriate block trades could be substantial. The Commission believes that this approach provides additional time to analyze data in order to establish improved swap categories as suggested by commenters.

d. Other Commodity

The Commission proposed using different methodologies for the initial and post-initial periods to determine appropriate minimum block sizes for swaps categories in the other commodity asset class. The proposed methodology for determining the appropriate minimum block sizes in the initial period differs based on the three types of other commodity swap categories: (1) Those swaps based on contracts listed in appendix B to part 43 of the Commission's regulations;[353] (2) swaps that are economically related to certain futures contracts;[354] and (3) other swaps.[355] With regards to (1), the Commission proposed setting initial appropriate minimum block sizes for publicly reportable swap transactions in which the underlying asset directly references or is economically related to the natural gas or electricity swap contracts listed in appendix B to part 43 of the Commission's regulations.[356] The proposed methodology for determining the appropriate minimum block sizes for other commodity swaps in the post-initial period follows the same methodology—the 67 percent notional amount methodology—used for determining the post-initial appropriate minimum block sizes in the interest rate, credit and FX asset classes. A more detailed description of the methodologies during the initial and post-initial periods, as well as the rules for the special treatment of listed natural gas and electricity swaps are presented in the subsections below.

i. Initial Period Methodology

With respect to swaps that reference or are economically related to one of the futures contracts listed in appendix B to part 43[357] or in § 43.6(b)(5)(ii), the Commission proposed to set the appropriate minimum block size based on the block sizes for related futures

[345] *See* Q18 of the Further Block Proposal, which sets forth an alternative approach to proposed swap categories based on unique currency combinations. 77 FR 15476.

[346] The Commission notes further that DCMs historically have had the appropriate incentive to balance these considerations because they benefit from liquidity generally (*i.e.,* commissions from transaction volume in block and non-block trades provides DCMs with their primary source of revenue).

[347] The Commission is of the view that the pre-trade and post-trade contexts are sufficiently similar such that policies directed at balancing transparency and liquidity concerns in a pre-trade context are relevant in considering what an appropriate balance is in the post-trade context. In the pre-trade context, block sizes are set near or at the point where a trader would be able to offset the risk of an equally large transaction without bearing liquidity risk.

[348] Core Principle 9 of section 5(d) of the CEA provides that a DCM ''shall provide a competitive, open, and efficient market and mechanism for executing transactions. . . . '' 7 U.S.C. 7(d)(9). Current appendix B to part 38 of the Commission's regulations provides that in order to maintain compliance with Core Principle 9, DCMs allowing block trading ''should ensure that the block trading does not operate in a manner that compromises the integrity of prices or price discovery on the relevant market.'' *See* 17 CFR 38 app. B.

[349] For example, section 40.6 of the Commission's regulations include a process by which registered entities may certify rules or rule amendments that establish or change block trade sizes for futures contracts. *See* 17 CFR 40.6.

[350] CL–SDMA at 2.

[351] CL–Barclays at 10; CL–GFMA at 3.

[352] *See supra* note 256.

[353] *See* proposed § 43.6(b)(5)(i). The Commission is adopting most of the proposed categories in this final rule, subject to some modifications. *See supra* note 190 and accompanying text.

[354] As proposed under § 43.6(b)(5)(ii), these futures contracts were: CME Cheese; CBOT Distillers' Dried Grain; CBOT Dow Jones-UBS Commodity Index Excess Return; CBOT Ethanol; CME Frost Index; CME Goldman Sachs Commodity Index (GSCI) (GSCI Excess Return Index); NYMEX Gulf Coast Gasoline; Gulf Coast Sour Crude Oil; NYMEX Gulf Coast Ultra Low Sulfur Diesel; CME Hurricane Index; CME International Skimmed Milk Powder; NYMEX New York Harbor Ultra Low Sulfur Diesel; CBOT Nonfarm Payroll; CME Rainfall Index; CME Snowfall Index; CME Temperature Index; CME U.S. Dollar Cash Settled Crude Palm Oil; and CME Wood Pulp. The Commission is adopting most of the proposed categories in this final rule, subject to some modifications. *See supra* note 187.

[355] *See* proposed § 43.6(b)(5)(iii).

[356] The Commission notes that pursuant to proposed § 43.6(b)(5)(i), each of the listed natural gas and electricity swap contracts proposed to be listed in appendix B to part 43 would be considered its own swap category. As discussed further above, the Commission is adopting these categories in this final rule. *See supra* Section II.A(4).

[357] The futures contracts that are currently listed on appendix B to part 43 are the 28 Enumerated Reference Contracts plus Brent Crude Oil (ICE). The 13 electricity and natural gas swap contracts that the Commission had proposed to add to appendix B to part 43 of the Commission's regulations were not futures contracts. As noted above, however, these contracts have been converted into economically equivalent futures contracts that are listed on a DCM. *See supra* note 176.

contracts set by DCMs.[358] Similar to its rationale with respect to setting initial appropriate minimum block sizes for swaps in the FX asset class, the Commission believed that this approach would utilize the experience of DCMs in considering liquidity effects of enhancing pre-trade transparency in setting block sizes for these contracts. For swaps that reference or are economically related to a futures contract listed in appendix B to part 43 that is not subject to a DCM block trade rule, the Commission proposed in § 43.6(e)(3) to disallow treatment as a block trade or large notional off-facility swap. The Commission based this approach on an inference that DCMs have not set block trade rules for certain futures contracts because of the degree of liquidity in those futures markets.

In the initial period, the Commission proposed in § 43.6(e)(2) to treat all non-futures-related swaps [359] in the other commodity asset class as block trades or large notional off-facility swaps (*i.e.,* these swaps would be subject to a reporting time delay under part 43, irrespective of notional amount). The Commission believed that non-futures-related swaps in the other commodity asset class generally have lower liquidity in contrast to the more liquid interest rate, credit and equity asset classes, as well as other commodity swaps that are economically related to liquid futures contracts (*i.e.,* those futures contracts listed in appendix B to part 43).

The Commission also proposed to amend appendix B to part 43 of the Commission's regulations to add 13 natural gas and electricity swap contracts, which the Commission previously has determined to be liquid contracts serving a price discovery function,[360] with each contract serving as the basis for a swap category in the other commodity asset class. The Commission further proposed to set the initial appropriate minimum block size for each of these categories to $25 million (USD), which would apply to natural gas and electricity swaps that reference or are economically related to these natural gas and electricity swap contracts.[361]

SDMA expressed support for the proposed methodology for swaps in the other commodity asset class.[362] With respect to the swaps in which the underlying asset references or is economically related to one of the natural gas or electricity swaps listed in appendix B to part 43, EEI also expressed support for denominating the minimum block size in U.S. dollars, rather than by a quantity such as Mwh.[363] EEI argued that denominating minimum block sizes in U.S. dollars would promote standardization across the various trading hubs in the electricity and natural gas markets.[364]

Several commenters, however, objected to certain aspects of the proposed $25 million (USD) initial appropriate minimum block size. Two commenters recommended setting the block sizes based on mmBtu/day and MW/hr for natural gas and electricity swaps, respectively, rather than setting the block sizes based on notional amount.[365] ICAP Energy commented in particular that adopting the latter approach would be inappropriate, given that prices for such commodities fluctuate due to peak season usage or delivery location.[366] ICAP Energy also commented that it was not clear as to how the notional value of swaps with optionality would be calculated; calculating notional value based on the premium of the option, for example, would adversely affect low-premium options such as out-of-the-money calls and puts.[367]

Two commenters opposed the proposed $25 million (USD) initial minimum block size with respect to the swap categories for the electricity swaps added to appendix B to part 43. ICAP Energy and EEI argued that the proposed limits were too high given the relative illiquidity of these markets.[368] ICAP Energy recommended the following minimum block sizes: PJM WH (on-peak and off-peak)—50 MW/hr; SP–15 Financial Day-Ahead LMP (on-peak and off-peak)—30/MW/hr; Mid-C Financial (on-peak and off-peak—30 MW/hr).[369] EEI requested that the Commission treat all electricity swaps transactions as block trades during the initial period or, in the alternative, set the initial minimum block size at no higher than $3 million.[370]

ICAP Energy and EEI also opposed the proposed $25 million initial minimum block size with respect to the swap categories for the natural gas swaps proposed to be added to appendix B to part 43. EEI requested that the Commission treat all natural gas swaps transactions as block trades during the initial period because of their relatively illiquid markets.[371] In the alternative, EEI recommended setting the initial minimum block size at no higher than $3 million, which would approximately equate the proposed initial block size for the Henry Hub Natural Gas futures contract.[372] ICAP Energy recommended setting the initial minimum block size at 2500 mmBtu.[373]

Parity Energy commented on the ambiguity of the term ''economically related'' and requested clarification that natural gas swaps with optionality that reference or are economically related to the Henry Hub Natural Gas options would be subject to the initial minimum block size proposed for that particular swap category (5,500,000 mmBtu), rather than the block size for Henry Hub Natural Gas futures (1,000,000 mmBtu).[374]

Parity Energy opposed the proposed initial minimum block size of 100,000 bbl. to crude oil swaps with optionality as too low and recommended that the Commission establish a separate initial minimum block size for such swaps at 1,000,000 bbl., which would be consistent with CME's minimum block size for Light Sweet Crude Oil options.[375]

ICAP Energy commented that swaps that reference or are economically

[358] In situations when two or more DCMs offer for trading futures contracts that are economically related, the Commission has selected the lowest applicable non-zero futures block size among the DCMs as the initial appropriate minimum block size. The Commission believes that this approach would reduce the chance that the appropriate minimum block size established by the Commission in the initial period would have an unintended adverse effect on market liquidity for the relevant swap category.

[359] These non-futures related swaps are not economically related to one of the futures contracts listed in proposed appendix B to part 43 or in proposed § 43.6(b)(5)(ii). *See* proposed § 43.6(b)(5)(iii).

[360] *See supra* Section II.A(4).

[361] For swaps in which the underlying asset references or is economically related to one of the natural gas or electricity swaps, the Commission proposed to treat such natural gas and electricity swaps differently than other publicly reportable swap transactions in the other commodity asset class when setting the initial appropriate minimum block sizes. The Commission recognized that traders typically offset their positions in the natural gas and electricity markets through trading OTC forward contracts, swaps, plain vanilla options, non-standard options and other customized arrangements since existing futures contracts listed on DCMs only cover a limited number of electricity delivery points. The proposed $25 million initial minimum block level corresponded to the level of the interim and initial cap sizes. For a discussion of interim and initial cap sizes, *see supra* section III.A of the Further Block Proposal.

[362] CL–SDMA at 2 n.1.

[363] CL–EEI at 11 n. 29.

[364] *Id.*

[365] CL–ICAP Energy at 4; CL–Barclays at 9.

[366] CL–ICAP Energy at 4.

[367] *Id.*

[368] CL–ICAP Energy at 5; CL–EEI at 5.

[369] CL–ICAP Energy at 5.

[370] CL–EEI at 8.

[371] CL–EEI at 8.

[372] According to EEI, the proposed initial minimum block size of 1,000,000 mmBtu for the Henry Hub Natural Gas futures contract is approximately equal to a minimum block size of $3 million. EEI Comment Letter at 8–9.

[373] CL–ICAP Energy at 5.

[374] CL–Parity at 3.

[375] *Id.* at 4–5.

related to the NYMEX New York Harbor RBOB Gasoline futures contract, for which the Commission has not set an initial minimum block size under proposed appendix F, should be subject to a block size that is consistent with the one set by DCMs for the related futures contract.[376]

The Commission has considered the comments above regarding the appropriate unit of measurement and initial appropriate minimum block size for the natural gas and electricity swap categories in the other commodity asset class. Based on those comments and the other commodity swap categories adopted by the Commission in this final rule that are based on the converted natural gas and electricity futures contracts,[377] the Commission is setting the appropriate minimum block sizes for these categories in the initial period based on the block sizes set by DCMs for these futures contracts. The Commission is adopting this approach for several reasons. This approach is consistent with the Commission's approach for swaps that reference or are economically related to one of the futures contracts previously listed in appendix B to part 43 or adopted § 43.6(b)(5)(ii), which utilizes the experience of DCMs in setting block sizes for these contracts. The Commission also believes this approach is more conservative than the proposed $25 million initial minimum block size, which might adversely affect market liquidity for the electricity and natural gas swaps markets. Further, this approach responds to comments by setting the initial minimum block sizes based on underlying units, rather than notional amount, and would be more appropriate to avoid price fluctuations and to establish consistency with post-initial calculation methodology.

In response to Parity Energy and consistent with the Commission's adopted approach to swaps categories in the other commodity asset class under § 43.6(b)(5)(i)–(ii), the Commission is not establishing initial appropriate minimum block sizes based on DCM block sizes for swaps that reference or are economically related to the options contracts listed in proposed appendix F.[378] The Commission is establishing initial appropriate minimum block size for such swaps based on the adopted methodology for swaps with optionality, as discussed further below.[379] The notional size of swaps with optionality in the initial period will be equal to the notional size of the swap component without the optional component; accordingly, the appropriate minimum block size will be based on the block sizes for economically related futures contracts set by DCMs.[380]

The Commission is otherwise adopting the rule generally as proposed under § 43.6(e) with respect to swaps in the other commodity asset class, but also is updating initial appropriate minimum block sizes proposed in appendix F, consistent with block sizes set by DCMs for the relevant related futures contract.[381] In response to ICAP Energy's request, the Commission is also setting an initial minimum block size for swaps that reference or are economically related to the NYMEX New York Harbor RBOB Gasoline futures contract that is based on the DCM block size set for that contract.

ii. Post-Initial Period Methodology

In the post-initial period, the Commission provided in proposed § 43.6(f)(3) to determine appropriate minimum block sizes for swaps in the other commodity asset class by using the 67-percent notional amount calculation set forth in proposed § 43.6(c)(1). The 67-percent notional amount calculation would be applied to publicly reportable swap transactions in each swap category observed during the appropriate time period.

Several commenters opposed the 67-percent notional amount calculation methodology for swaps in the other commodity asset class in the post-initial period.[382] CME and WMBAA characterized the proposed methodology as overbroad and recommended a more tailored approach based on the trading profiles of each particular market.[383] Barclays commented that the Commission has no data or evidence demonstrating that such a notional amount would properly balance liquidity and transparency considerations.[384] ICAP Energy recommended a lower post-initial notional amount—either 33 or 50 percent—that would account for the illiquid nature of the electricity and natural gas basis swaps market.[385] Based on the non-standardized and bespoke nature of many electricity and natural gas swap transactions, EEI recommended that the Commission eliminate post-initial minimum block sizes for the electricity and natural gas swap categories for the swaps added to appendix B to part 43.[386] EEI also recommended that the Commission eliminate minimum post-initial block sizes for the electricity swap category under appendix D.[387] In the alternative, EEI recommended that the Commission set the minimum block sizes for each of these categories at no greater than $3 million.[388]

After consideration of the comments received, the Commission is adopting § 43.6(f)(1) as proposed for swap categories in the other commodity asset class for the post-initial period. The reasons stated by the Commission above in support of this methodology in the post-initial period also apply to swaps in this asset class. The Commission believes that this methodology will ensure that the vast majority of swap transactions are subject to real-time reporting.[389] In addition, applying the same post-initial notional amount calculation to the other commodity asset class provides a consistent, bright-line rule regarding how appropriate minimum block thresholds will be calculated, thus providing clarity to market participants engaging in swap transactions.

6. Special Provisions for the Determination of Appropriate Minimum Block Sizes for Certain Types of Swaps

The Commission recognizes the complexity of the swaps market may make it difficult to determine appropriate minimum block sizes for particular types of swaps under the methodologies discussed above. For that reason, the Commission proposed § 43.6(h), which sets out a series of special rules that apply to the determination of the appropriate minimum block sizes for particular types of swaps. The Commission proposed special rules with respect to: (a) Swaps with optionality; (b) swaps with composite reference prices [390]; (c)

[376] CL–ICAP Energy at 1–2.

[377] *See supra* note 176.

[378] *See supra* note 187 and accompanying text.

[379] *See infra* Section II.C.

[380] *See infra* Section II.B.

[381] The Commission is also amending the initial minimum block size for swaps that reference or are economically related to the GSCI Excess Return Index, Dow Jones-UBS Commodity Index, Gulf Coast Sour Crude Oil, and Palladium futures contract. The Commission is also removing the initial minimum block size for swaps that reference or are economically related to the Non-Farm Payroll, International Skimmed Milk Powder, and Wood Pulp futures contracts, as these contracts are no longer listed for trading. *See supra* note 187.

[382] CL–Barclays at 10; CL–CME at 2, 4; CL–WMBAA at 2–3.

[383] CL–CME at 4; CL–WMBAA at 2–3.

[384] CL–Barclays at 10.

[385] CL–ICAP Energy at 3.

[386] CL–EEI at 8–9.

[387] *Id.* at 9.

[388] EEI requested that the Commission delay the adoption of minimum block sizes for the swaps in these categories for at least one year until it has obtained at least one year of data from an SDR; in the interim, all relevant transactions would be eligible for block trade treatment. CL–EEI at 11.

[389] *See* note 41 *supra.*

[390] In the Further Block Proposal, the Commission proposed amending § 43.2 to define ''swaps with

''physical commodity swaps'' [391]; (d) currency conversions; and (e) successor currencies. Each of these special rules is discussed in the subsections below.

a. Swaps With Optionality

A swap with optionality highlights special concerns in terms of determining whether the notional size of such swap would be treated as a block trade or large notional off-facility swap. Proposed § 43.6(h)(1) addressed these concerns by providing that the notional size of swaps with optionality would equal the notional size of the swap component without the optional component. For example, a LIBOR 3-month call swaption with a calculated notional size of $9 billion for the swap component—regardless of option component, strike price, or the appropriate delta factor—would have a notional size of $9 billion for the purpose of determining whether the swap would qualify as a block trade or large notional off-facility swap.[392]

The Commission received two comments regarding proposed § 43.6(h)(1). FIA stated that the approach failed to recognize potential differences in liquidity between the swap and an underlying swaption.[393] FIA also pointed out that the Further Block Proposal did not explicitly address how to handle combinations of options.[394] With respect to options transactions involving swaps in the electricity, natural gas, and crude oil swap categories that are used to carry out complex strategies, ICAP Energy recommended treating all such transactions, as well as related swap hedges, as block trades.[395] ICAP Energy cited the complex nature of these transactions and the common involvement of an intermediary in carrying them out as reasons for across-the-board treatment as block trades.[396] ICAP Energy, however, supported the proposed approach of adopting the block sizes set by DCMs for natural gas and electricity outright options.[397]

After consideration of the comments received, the Commission is adopting § 43.6(h)(1) as proposed. In response to ICAP Energy, the Commission believes that the proposed approach provides an easily calculable method for market participants to ascertain whether their swaps with optionality features would qualify as a block trade or large notional off-facility swap. The Commission is aware that this approach does not take into account the risk profile of a swap with optionality compared to that of a ''plain-vanilla swap,'' but believes that this approach is reasonable to minimize complexity.

b. Swaps With Composite Reference Prices

Swaps with two or more reference prices (*i.e.,* composite reference prices) raise concerns as to which reference price market participants should use to determine whether such swap qualifies as a block trade or large notional off-facility swap.[398] Proposed § 43.6(h)(2) provides that the parties to a swap transaction with composite reference prices (*i.e.,* two or more reference prices) may elect to apply the lowest appropriate minimum block size applicable to any component swap category. This provision also would apply to: (1) Locational or grade-basis swaps that reflect differences between two or more reference prices; and (2) swaps utilizing a reference price based on weighted averages of component reference prices.[399]

Under proposed § 43.6(h)(2), market participants would need to decompose their composite reference price swap transaction in order to determine whether their swap would qualify as a block trade or large notional off-facility swap. For example, assume that the appropriate minimum block size for futures A-related swaps is $3 million, for futures B-related swaps is $800,000, for futures C-related swaps is $1.2 million and for futures D-related swaps is $1 million. If a swap is based on a composite reference price that itself is based on the weighted average of futures price A, futures price B, futures price C, and futures price D (25% equal weightings for each), and the notional size of the swap is $4 million (*i.e.,* $1 million for each component swap), then the swap would qualify as a block trade or large notional off-facility swap based on the futures B-related swap appropriate minimum block size.

The Commission received one comment regarding proposed § 43.6(h)(2). AFR recommended that transactions that are composites of swaps that are economically equivalents of futures contracts should be disaggregated and separately priced for the purpose of determining applicability of the block rules. AFR also recommended that the Commission be vigilant of the use of composite swaps by counterparties in order to ''evade the purpose of Section 727 and the Proposed Rules.'' [400]

With respect to spread transactions, ICAP Energy recommended that the minimum block size limit be based upon the lowest limit leg of the transaction, in a manner consistent with the proposed approach to setting minimum block size limits for the mixed asset swap class.[401]

Based upon the comments received, the Commission is adopting § 43.6(h)(2) with certain clarifications based upon general concerns expressed by commenters regarding the use of composite swaps to evade minimum block sizes. The Commission is of the view that this rule provides market participants with a straightforward and uncomplicated way in which to determine whether such swap would qualify as a block trade or large notional off-facility swap, but that a clarification is needed to avoid the risk of evasion raised by commenters. In response to ICAP Energy's comments, the Commission highlights to provide clarity that ''any component swap category'' as used above in the methodology applies to swaps with a single Unique Swap Identifier (''USI'') for the combination of swaps identified with a single Unique Product Identifier (''UPI'') and not to groups of different swaps each with separate USIs transacted on or near the same time.[402] Further, the reference to ''any component swap category'' does not

composite reference prices'' as swaps based on reference prices composed of more than one reference price that are in differing swap categories. The Commission proposed to use this term in connection with the establishment of a method through which parties to a swap transaction can determine whether a component to their swap would qualify the entire swap as a block trade or large notional off-facility swap. The Commission is adopting this definition as proposed.

[391] In the Further Block Proposal, the Commission proposed to amend § 43.2 of the Commission's regulations by defining the term ''physical commodity swap'' as a swap in the other commodity asset class that is based on a tangible commodity. The Commission is adopting this definition as proposed.

[392] In essence, this approach would assume a delta factor of one with respect to the underlying swap for swaptions.

[393] CL–FIA at 3.

[394] *Id.*

[395] CL–ICAP Energy at 6.

[396] *Id.*

[397] CL–ICAP Energy at 7.

[398] Swaps with composite reference prices are composed of reference prices that relate to one another based on the difference between two or more underlying reference prices—for example, a locational basis swap (*e.g.,* a natural gas Rockies Basis swap) that utilizes a reference price based on the difference between a price of a commodity at one location (*e.g.,* a Henry Hub index price) and a price at another location (*e.g.,* a Rock Mountains index price).

[399] In other words, swaps with a composite reference price composed of reference prices that relate to one another based on an additive relationship. This term would include swaps that are priced based on a weighted index of reference prices.

[400] CL–AFR at 5.

[401] CL–ICAP Energy at 6.

[402] The real-time public reporting rules would apply to each of the separate USIs as previously finalized in part 43. 17 CFR 45.5.

limit the application of this standard to those composite reference swaps comprised of only multiple asset classes and instead should be understood to apply more broadly to composite swaps of multiple asset classes (*i.e.,* a mixed asset swap), intra asset classes, and intra swap category composite reference prices.

To provide further clarity and clarification in response to AFR's comment, the Commission provides the following additional example of determining whether a composite reference price swap transaction would qualify as a block trade or large notional off-facility swap. For example, assume that the appropriate minimum block size for swap category E is $50 million and for swap category F is $200 million. If a single swap transaction with a corresponding singular reporting obligation is based on a composite reference price that itself is based on the weighted average of (1) one component in swap category E; (2) a second component in swap category E; and (3) a component in swap category F (33% equal weightings for each), and the notional size of the swap is $75 million (*i.e.,* $25 million for each component swap), then the swap would not qualify as a block trade or large notional off-facility swap based on either the swap category E or the swap category F appropriate minimum block size.

c. Physical Commodity Swaps

Block trade sizes for physical commodities are generally expressed in terms of notional quantities (*e.g.,* barrels, bushels, gallons, metric tons, troy ounces, etc.). The Commission proposed a similar convention for determining the appropriate minimum block sizes for block trades and large notional off-facility swaps. In particular, proposed § 43.6(h)(3) provides that notional sizes for physical commodity swaps shall be expressed in terms of notional quantities using the notional unit measure utilized in the related futures contract market or the predominant notional unit measure used to determine notional quantities in the cash market for the relevant, underlying physical commodity. This approach ensures that appropriate minimum block size thresholds for physical commodities are not subject to volatility introduced by fluctuating prices. This approach also eliminates complications arising from converting a physical commodity transaction in one currency into another currency to determine qualification for treatment as a block trade or large notional off-facility swap.

The Commission received no comments regarding proposed § 43.6(h)(3). The Commission is adopting § 43.6(h)(3) as proposed.

d. Currency Conversion

Under proposed § 43.6(h)(4), the Commission provided that when determining whether a swap transaction denominated in a currency other than U.S. dollars qualifies as a block trade or large notional off-facility swap, swap counterparties and registered entities may use a currency exchange rate that is widely published within the preceding two business days from the date of execution of the swap transaction in order to determine such qualification. This proposed approach would enable market participants to use a currency exchange rate that they deem to be the most appropriate or easiest to obtain.

The Commission received no comments regarding proposed § 43.6(h)(4). The Commission is adopting § 43.6(h)(4) as proposed.

e. Successor Currencies

As noted above, the Commission proposed using currency as a criterion to determine swap categories in the interest rate asset class.[403] The Commission also proposed to classify the euro (EUR) as a super-major currency, among other currencies.[404] Proposed § 43.6(h)(5) provides that for currencies that succeed a super-major currency, the appropriate currency classification for such currency would be based on the corresponding nominal gross domestic product (''GDP'') classification (in U.S. dollars) as determined in the most recent World Bank World Development Indicator at the time of succession. This proposed provision is intended to address the possible removal of one or more of the 17 EU member states that use the euro.[405]

Proposed § 43.6(h)(5)(i)–(iii) further specifies the manner in which the Commission would classify a successor currency for each country that was once a part of the predecessor currency. Specifically, the Commission proposes to use GDP to determine how to classify a successor currency. For countries with a GDP greater than $2 trillion, the Commission would classify the successor currency to be a super-major currency.[406] For countries with a GDP greater than $500 billion but less than $2 trillion, the Commission would classify the successor currency as a major currency.[407] For nations with a GDP less than $500 billion, the Commission would classify the successor currency as a non-major currency.[408]

The Commission received no comments regarding proposed § 43.6(h)(5). The Commission is adopting § 43.6(h)(5) as proposed.

C. Procedural Provisions

1. Sec. 43.6(a) Commission Determination

The Commission proposed that it determine the appropriate minimum block size for any swap listed on a SEF or DCM, and for large notional off-facility swaps. Proposed § 43.6(a) specifically provides that the Commission would establish the appropriate minimum block sizes for publicly reportable swap transactions based on the swap categories set forth in proposed § 43.6(b) in accordance with the provisions set forth in proposed §§ 43.6(c), (d), (e), (f) and (h), as applicable.

The Commission received eight comments regarding determination of appropriate minimum block sizes for swaps listed on a SEF or DCM. Four commenters favored allowing SEFs and DCMs to set appropriate minimum block sizes for the swaps they list. CME stated that the Commission would be better served by retaining the ability to set block levels in the private, bilateral swaps market and deferring to the expertise of SEFs and DCMs to set the levels in their markets.[409] ICAP suggested that the Commission utilize the same approach as for the futures markets, where futures exchanges set their own block sizes, and allow SEFs to set block sizes since they have an incentive to provide as much information about trading interest as possible without hurting liquidity.[410] Morgan Stanley suggested that the Commission could allow DCMs and SEFs to set appropriate block sizes, subject to Commission approval, as DCMs and SEFs would benefit from setting block sizes in a way that maximizes liquidity.[411] WMBAA stated that the Commission should authorize SEFs to analyze ongoing swaps market

[403] *See* proposed § 43.6(b)(1)(i) and the related discussion in section II.B.1. of the Further Block Proposal.

[404] *See* the proposed amendment to § 43.2, defining ''super-major currencies.''

[405] The 17 European Union member states that use the euro are: Austria, Belgium, Cyprus, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Slovakia, Slovenia and Spain.

[406] *See* proposed § 43.6(h)(6)(i).

[407] *See* proposed § 43.6(h)(6)(ii).

[408] *See* proposed § 43.6(h)(6)(iii).

[409] CL–CME at 3.

[410] CL–ICAP at 5–6.

[411] CL–Morgan Stanley at 3.

trading activity and trade data to determine uniform thresholds that distinguish transactions that move markets from those that do not, and work to ensure that block trade regimes for swaps executed on SEFs and DCMs are as consistent as possible to avoid arbitrage.[412]

Four commenters supported the Commission's proposal that the Commission set minimum block levels. Three of those commenters recommended that SEFs and DCMs should not be able to set minimum block thresholds above the level mandated by the Commission. Javelin asserted that the CFTC should set block trade rules and not SEFs, so as to avoid a race to the bottom that would harm transparency and threaten competition.[413] SIFMA stated that the Commission should set minimum block trade size thresholds and argued that allowing SEFs and DCMs to set a block size threshold above the minimum level mandated by the Commission without guidance is inconsistent with the Commission's statutory duty ''to specify the criteria for determining what constitutes a large notional swap transaction (block trade) for particular markets and contracts.'' [414] AII also stated that SEFs or DCMs should not have the ability to set block sizes for swaps at higher levels than the appropriate minimum block sizes determined by the Commission, as SEFs in particular have interests that may not be aligned with buy-side firms and may not be incentivized to ensure that market disruption is minimal.[415]

In addition, ICAP Energy stated that SEF block limits for futures equivalent swap contracts should adjust automatically to meet DCM contract limits adjustments between annual revisions of SEF block limits, so that the Commission does not set SEF block levels at levels higher than the block levels set by DCMs.

Based upon the comments received, the Commission is adopting § 43.6(a) as proposed. The Commission agrees with the commenters who recommended that appropriate minimum block thresholds for swaps be set by the Commission, rather than SEFs or DCMs. The Commission concurs with SIFMA that it has a statutory duty ''to specify the criteria for determining what constitutes a large notional swap transaction (block trade) for particular markets and contracts.'' [416] The Commission also agrees with Javelin that allowing SEFs and DCMs to set appropriate minimum block thresholds could lead to a race to the bottom that would harm transparency and reduce competition. In the Commission's view, the Commission's approach is also the least burdensome from a cost-benefit perspective because it significantly reduces the direct costs imposed on registered entities. Moreover, while § 43.6(a) states that the Commission will determine minimum block sizes, as recommended by some of the commenters, the Commission notes that SEFs and DCMs nonetheless will have the discretion to set block sizes for swaps at levels that are higher than the appropriate minimum block sizes determined by the Commission.

2. 43.6(f)(4) and (5) Publication and Effective Date of Post-Initial Appropriate Minimum Block Sizes

Proposed § 43.6(f)(3) provided that the Commission would publish the post-initial appropriate minimum block sizes on its Web site. Proposed § 43.6(f)(4) provided that these sizes would become effective on the first day of the second month following the date of publication. Per proposed § 43.6(f)(1), the Commission would publish updated post-initial appropriate minimum block sizes in the same manner no less than once each calendar year.

Several commenters recommended that post-initial appropriate minimum block sizes should be updated more frequently than on an annual basis.[417] ICI, AII and SIFMA recommended a quarterly or at least a semi-annual calculation in order to account for changes in liquidity in the market.[418] Spring Trading and Vanguard recommended a quarterly calculation that would allow block levels to be more responsive to the market.[419] Kinetix, however, recommended that calculations should be carried out on a monthly basis.[420] MFA suggested that the Commission maintain the optional ability to update the minimum block size on a more frequent basis as well as shorten the look-back window for the relevant data set.[421]

Some commenters asserted that the Commission should have the authority to update appropriate minimum block sizes outside of the proposed 1-year set look-back period. GFMA believed that the Commission should have this authority, without reference to a data set, to respond to a market that quickly becomes illiquid.[422] MFA also supported providing this authority, but believed that the Commission should exercise this authority based on SDR data received for individual or multiple swap categories.[423]

Based on its argument that block levels set by SEFs should not be higher than those set by DCMs, ICAP Energy recommended allowing for automatic adjustment to occur during the course of the year.[424]

The Commission is adopting the rule as proposed, with the one modification that proposed § 43.6(f)(3) and (4) will be adopted as § 43.6(f)(4) and (5). The rule as adopted only requires that the Commission to update post-initial minimum block sizes at least once a year and therefore does not preclude the Commission from doing so on a more frequent basis. The Commission anticipates that it will examine and re-calculate such block sizes at regular intervals, but also acknowledges that the liquidity of a swap market may change significantly outside of such intervals. Therefore, the Commission reserves the authority to update minimum block sizes when warranted and as necessary to respond to such circumstances. In response to GFMA and MFA, the Commission agrees with MFA and emphasizes that in all circumstances, minimum block sizes will be updated based on the relevant market data received.

In response to ICAP Energy's recommendation, the Commission notes that adopting such a requirement would potentially create minimum block size re-alignment issues for SEFs, particularly during the initial period for swaps in the other commodity class. Under this requirement, SEFs would be de facto subject to a DCM's own business decisions, i.e., block trade size calculations that are based on trading that does not occur on their own facility or platform. Further, the Commission has noted that SEFs and DCMs may set minimum block sizes that are higher than those prescribed by the Commission; this recommended requirement would otherwise preclude such an ability in certain cases. Accordingly, the Commission declines to adopt this requirement.

3. Sec. 43.6(g) Notification of Election

Proposed § 43.6(g) set forth the election process through which a qualifying swap transaction would be treated as a block trade or large notional

[412] CL–WMBAA at 5.
[413] CL–Javelin at 6.
[414] CL–SIFMA at 11–12.
[415] CL–AII at 10.
[416] CL–SIFMA at 11–12; 7 U.S.C. 2(a)(13)(E)(ii).
[417] CL–GFMA at 3.
[418] CL–ICI at 7; CL–AII at 11; CL–SIFMA at 6–7.
[419] CL–TeraExchange at 2; CL–Vanguard at 7.
[420] CL–Kinetix at 2.
[421] CL–MFA at 8.
[422] CL–GFMA at 4.
[423] CL–MFA at 8.
[424] CL–ICAP Energy at 4.

off-facility swap, as applicable. Proposed § 43.6(g)(1) would establish a two-step notification process relating to block trades. Proposed § 43.6(g)(2) would establish the notification process relating to large notional off-facility swaps.

Proposed § 43.6(g)(1)(i) contained the first step in the two-step notification process relating to block trades. In particular, the parties to a publicly reportable swap transaction that has a notional amount at or above the appropriate minimum block size would be required to notify the SEF or DCM (pursuant to the rules of such SEF or DCM) of their election to have their qualifying publicly reportable swap transaction treated as a block trade.[425] With respect to the second step, proposed § 43.6(g)(1)(ii) provided that the SEF or DCM that receives an election notification would be required to notify the relevant SDR of such block trade election when transmitting swap transaction and pricing data to the SDR for public dissemination.

Similar to the first step set forth in proposed § 43.6(g)(1), proposed § 43.6(g)(2) would provide, in part, that a reporting party who executes an off-facility swap with a notional amount at or above the applicable appropriate minimum block size would be required to notify the relevant SDR of its election to treat such swap as a large notional off-facility swap. This section provided further that the reporting party would be required to notify the relevant SDR in connection with the reporting party's transmission of swap transaction and pricing data to the SDR pursuant to § 43.3 of the Commission's regulations.

The Commission received no comments regarding proposed § 43.6(g). The Commission is adopting § 43.6(g) as proposed.

4. Sec. 43.7 Delegation of Authority

Under proposed § 43.7(a), the Commission would delegate the authority to undertake certain Commission actions to the Director of the Division of Market Oversight (''Director'') and to other employees as designated by the Director from time to time. In particular, this proposed delegation would grant to the Director the authority to determine: (1) New swap categories as described in proposed § 43.6(b); (2) post-initial appropriate minimum block sizes as described in proposed § 43.6(f); and (3) post-initial cap sizes as described in the proposed amendments to § 43.4(h)(2) of the Commission's regulations.[426] The purpose of the proposed delegation provision would be to facilitate the Commission's ability to respond expeditiously to ever-changing swap market and technological conditions. The Commission is of the view that this delegation would help ensure timely and accurate real-time public reporting of swap transaction and pricing data and further ensure anonymity in connection with the public reporting of such data. Proposed § 43.7(b) provided that the Director may submit to the Commission for its consideration any matter that has been delegated pursuant to this authority. Proposed § 43.7(c) provided that the delegation to the Director would not prevent the Commission, at its election, from exercising the delegated authority.

The Commission received no comments regarding proposed § 43.7(a) and therefore is adopting § 43.7(a) as proposed.

5. Section 43.6(h)(6) Aggregation

Proposed § 43.6(h)(6) would prohibit the aggregation of orders for different trading accounts in order to satisfy the minimum block size or cap size requirements, except that aggregation would be permissible if done on a DCM or SEF by a person who: (i)(A) Is a CTA registered pursuant to Section 4n of the CEA or exempt from such registration under the Act, or a principal thereof, and who has discretionary trading authority or directs client accounts, (B) is an investment adviser who has discretionary trading authority or directs client accounts and satisfies the criteria of § 4.7(a)(2)(v) of this chapter, or (C) is a foreign person who performs a similar role or function as the persons described in (A) or (B) and is subject as such to foreign regulation, and (ii) has more than $25 million in total assets under management. In the Commission's view, such a prohibition would be integral to ensuring the integrity of block trade principles and preserving the basis for the anonymity associated with establishing cap sizes.

The Commission received a number of comments on the proposed aggregation rule, particularly as to the enumerated persons who would otherwise be allowed to aggregate orders from different trading accounts. Barnard supported the rule, noting that it would help ensure that non-block transactions comply with the exchange trading requirements and real-time reporting obligations, thereby increasing transparency and price discovery, promoting market integrity, improving efficiency and competitiveness in the swap markets, and ultimately providing timely information to enable market participants to improve their risk management practices.[427] Barnard suggested that the Commission add an additional requirement—that the ''block trade is suitable for customers of such persons''—on the basis that such a requirement would improve consistency in the rules applicable to swap and futures markets.[428]

ABC and CIEBA stated that qualified investment advisers who are not CTAs should be able to aggregate block trade orders for different trading accounts.[429] Tradeweb commented that CTAs who trade on a SEF should also be permitted to aggregate trades on behalf of their customers for purposes of block trades.[430] JP Morgan commented that this rule appears to reflect a concern that private negotiation affords less protection to unsophisticated investors than trading through the central markets, and that since all entities that transact in the OTC market already must be ECPs, the analogous concern about customer protection in the swaps market is already addressed.[431]

ICI opposed the minimum assets under management requirement in proposed § 43.6(h)(6)(ii) and argued that the Commission did not articulate a rationale or policy reason for this requirement.[432] ICI stated that while advisers to registered funds would typically meet the asset requirement, advisers with less than the proposed

[425] In order to qualify as a block trade, a swap must (1) be listed on a registered SEF or DCM; (2) occur away from the registered SEF's or DCM's trading system or platform and is executed pursuant to its rules and procedures; and (3) have a notional or principal amount at or above the appropriate minimum block size applicable to such swap. *See* § 43.2. By definition, a block trade must occur away from the SEF or DCM's trading system or platform and thus cannot be transacted on the SEF or DCM's trading system or platform. Moreover, the swap must be at or above the appropriate minimum block size at the time that it becomes a publicly reportable swap transaction. Any swap that is executed on a SEF or DCM's trading system or platform, regardless of whether it is for a size at or above the appropriate minimum block size for such swap, is not a block trade under this definition, and, thus, is required to be publicly disseminated in real-time pursuant to § 43.4.

[426] *See* the discussion of post-initial cap sizes in section III.B. infra. As noted above, the Commission proposed an amendment to § 43.2 to define the term ''cap size'' as the maximum limit of the principal, notional amount of a swap that is publicly disseminated. This term applies to the cap sizes determined in accordance with the proposed amendments to § 43.4(h) of the Commission's regulations.

[427] CL–Barnard at 2.

[428] CL–Barnard at 2.

[429] CL–ABC/CIEBA at 3.

[430] CL–Tradeweb at 5. Tradeweb's comment was received in response to the Initial Proposal and not the Aggregation Proposed Rule, the latter which allowed for CTAs to aggregate on SEFs. 75 FR at 76174.

[431] CL–JPM at 9, n.13.

[432] CL–ICI at 3.

minimum would also have a valid need to engage in block trades on behalf of the funds they manage.[433] ICI further stated that no relationship exists between the amount of assets managed and the legitimacy of aggregating client orders. ICI also disagreed that an investment adviser seeking to aggregate orders must satisfy the criteria of § 4.7(a)(2)(v) of the Commission's regulations.[434] ICI suggested that the Commission only require an investment adviser to be registered under § 203 of the Investment Advisers Act of 1940 or pursuant to the laws of any state without specifying a minimum registration length or location for deposit of client assets.[435]

Two comments requested clarifications to the proposed rule. WMBAA sought clarification that the Commission did not intend for the Proposed Rule to prevent the use of ''work up'' in over-the-counter swaps.[436] WMBAA stated that a block size calculation should not be performed until the work up period ends, but expressed concern that the work up trades could be considered aggregation.[437] SIFMA noted that proposed § 43.6(h)(6) does not restrict the aggregation prohibition to ''block trades'' and, as a result, ''large notional off-exchange swaps'' could be subject to the aggregation prohibition.[438] SIFMA requested that the Commission add language to clarify that the aggregation prohibition does not apply to large notional off-exchange swaps.[439]

After consideration of the comments received, the Commission is adopting proposed § 43.6(h)(6) as proposed. In response to the comment by ABC and CIEBA, the Commission notes that qualified investment advisers, who are not CTAs, are able to aggregate block trade orders from different trading accounts. Under § 43.6(h)(6)(i)(B) and (ii), investment advisers that satisfy the criteria under § 4.7(a)(2)(v) and have more than $25 million in total assets under management are able to aggregate orders from different accounts. The Commission also agrees that CTAs who trade on a SEF should be permitted to aggregate customer trades, which would be allowed under the rule as adopted, subject to the enumerated conditions.

With respect to JP Morgan's comment, the Commission notes that customers trading swaps on DCMs do not have to be ECPs. As discussed further below, adopted § 43.6(i)(1) allows non-ECP customers to be parties to block trades through a qualifying CTA, investment adviser, or similar foreign person.[440] It is possible, therefore, that those non-ECP DCM customers may not be aware if they received the best terms for their individual swap transactions that are aggregated with other transactions. Protection for such customers is therefore necessary, as it is for unsophisticated customers in other markets.

In response to Barnard's suggested additional requirement,[441] the Commission acknowledges that the same or similar phrase appears in the rules of many exchanges.[442] The Commission, however, does not believe that it is necessary to incorporate such specific language to the rule because persons such as CTAs and investment advisers are already subject to broad anti-fraud prohibitions under their governing statutes.[443] Moreover, adopted § 43.6(i)(2), discussed further below, also requires that any person transacting a block trade on behalf of a customer receive prior written instruction or consent from the customer.

In response to ICI's opposition to the minimum asset threshold under § 43.6(h)(6)(ii), the Commission notes that this threshold reflects common industry practice.[444] CME, for example, has enforced the $25 million threshold in its rules since September 2000.[445] CME has stated that the threshold ''is an effort to establish the professionalism and sophistication of the registrant''[446] while also expanding the number of CTAs and investment advisers eligible to aggregate trades.[447] The Commission believes that the $25 million threshold is an appropriate requirement to ensure that persons allowed to aggregate trades are appropriately sophisticated with these transactions, while at the same time not excluding an unreasonable number of CTAs, investment advisers, and similar foreign persons.

The Commission also disagrees with ICI's contention that investment advisers should not be required to satisfy the criteria under § 4.7(a)(2)(v), which requires an investment adviser to (1) be registered and active as an investment adviser for two years or (2) provide securities investment advice to securities accounts which, in the aggregate, have total assets in excess of $5 million deposited at one or more registered securities brokers.[448] The Commission first adopted provisions similar to current § 4.7(a)(2)(v) in 1992[449] as objective indications that a person had the investment sophistication and experience needed to evaluate the risks and benefits of investing in commodity pools or a portfolio large enough to indicate the same, along with the financial resources to withstand the investment risks.[450] In 2000,[451] the Commission extended the same criteria in current § 4.7(a)(2)(v) to registered investment advisers for the same reasons.[452] The Commission believes that these objective criteria, which demonstrate that an investment adviser possesses the necessary investment expertise, should also apply with respect to allowing such persons to aggregate client orders.

In response to WMBAA, the Commission clarifies that the aggregation prohibition will not affect the work up process. By definition, a block trade occurs away from a DCM or

[433] *Id.*

[434] *Id.* at 4. An investment adviser satisfies the criteria of § 4.7(a)(2)(v) if the investment adviser registers pursuant to § 203 of the Investment Advisers Act of 1940, or pursuant to the laws of any state, and the investment adviser has been registered and active for two years or provides security investment advice to securities accounts which, in the aggregate, have total assets in excess of $5,000,000 deposited at one or more registered securities brokers. 17 CFR 4.7(a)(2)(v).

[435] CL–ICI at 3.

[436] CL–WMBAA at 2. During a work up transaction, a swap price is agreed upon for trading and the trade is then reported to market participants, who then have the opportunity to ''join the trade'' by placing a firm bid or offer to buy or sell a particular quantity. *Id.*

[437] *Id.* at 2–3.

[438] *Id.* at 3.

[439] *Id.*

[440] *See infra* Section II.C(6).

[441] CL–Barnard at 2.

[442] *See, e.g.,* Chicago Mercantile Exchange Rule 526(I). *See also* Chicago Board of Trade Rule 526(I); Eris Exchange, LLC Rule 601(b)(10); and New York Mercantile Exchange, Inc. Rule 526(I).

[443] *See* CEA section 4o (CTAs); Investment Advisors Act of 1940 section 206.

[444] *See, e.g.,* CME Rule 526. *See also* CBOE Futures Exchange LLC Rule 415(a)(i); Chicago Board of Trade Rule 526; Eris Exchange, LLC Rule 601(b)(10); ICE Futures U.S. Rule 4.07; NASDAQ OMX Futures Exchange, Inc. Rule E23; New York Mercantile Exchange, Inc. Rule 526(I); NYSE Liffe US, LLC Rule 423; and OneChicago LLC Rule 417.

[445] *See* CME Submission 00–99 (Sept. 21, 2000) (modifying CME Rule 526 to reduce the threshold from $50,000,000 to $25,000,000). CME originally planned to lower the threshold from $50,000,000 to $5,000,000, but withdrew the submission and instead proposed to lower the threshold to $25,000,000, based on customer suggestions. *See* CME Submission 00–93 (Sept. 1, 2000); CME Submission 00–99 at 5–6.

[446] *Id.* at 6 (quoting letter addressed to Jean A. Webb, Secretary of the Commission from John G. Gaine, President, Managed Funds Association dated April 24, 2000 regarding ''Chicago Mercantile Exchange new Proposed Rule 526'').

[447] *Id.* at 4, 6–7. CME also stated in the filing that it planned to readdress the threshold amount as it gained experience with block trades, but has declined to modify the amount.

[448] 17 CFR 4.7(a)(2)(v).

[449] 57 FR 34853, 34854–55 (Aug. 7, 1992). The final rule reduced the amount on deposit threshold to $5 million from the $10 million required by the proposed rule. *See* 57 FR 3148, 3152 (Jan. 28, 1992).

[450] *See* 57 FR at 34854 (quoting 57 FR at 3152).

[451] 65 FR 11253, 11257–58 (Mar. 2, 2000).

[452] *Id.* at 11257 (quoting 57 FR at 3152).

SEF.[453] The trades that are part of the work up process will occur on a DCM or SEF, and therefore are not block trades and are not subject to the aggregation prohibition.

Finally, as to SIFMA's requested clarification, the Commission notes that that it does intend to include large notional off-facility swaps in the aggregation prohibition under § 43.6(h)(6). The appropriate minimum block size applies to both block trades and large notional off-facility swaps,[454] and thus the aggregation prohibition should be applied to both types of transactions.

6. Section 43.6(i) Eligible Block Trade Participants

Proposed § 43.6(i)(1) provided that parties to a block trade must be ECPs, as defined under Section 1a(18) of the CEA and the Commission's regulations. The proposed rule includes an exception to the ECP requirement by providing that a DCM may allow (i) A CTA registered pursuant to Section 4n of the CEA, or exempt from registration under the CEA, or a principal thereof, who has discretionary trading authority or directs client accounts, (ii) an investment adviser who has discretionary trading authority or directs client accounts and satisfies the criteria the criteria of 4.7(a)(2)(v0 of the Commission's regulations, or (iii) a foreign person who performs a similar role or function to the persons described in (i) or (ii) and is subject as such to foreign regulation, to transact block trades for customers who are not ECPs, if such CTA, investment adviser or foreign person has more than $25 million in total assets under management. Proposed § 43.6(i)(2) further provided that a person transacting a block trade on behalf of a customer must receive prior written instruction or consent from the customer to do so. Such instruction or consent may be provided in a power of attorney or similar document, by which the customer provides the person with discretionary trading authority or the authority to direct the trading in the customer's account.

As discussed above, similar comments regarding the exceptions to the prohibitions against aggregation for certain persons were submitted with respect to the exception to certain persons transacting blocks on a DCM on behalf of non-ECPs. For example, ICI opposed the minimum assets under management requirement in proposed §§ 43.6(i)(1) and similarly argued that the Commission did not articulate a rationale or policy reason for this requirement.[455]

Specific comments were also received on proposed § 43.6(i)(2).[456] ICI requested a clarification that only a person transacting a block trade on behalf of a customer who is not an ECP must receive prior written instruction or consent.[457] ICI argued that written instruction or consent from an ECP is not necessary because these customers can engage in block trades and that investment advisers with discretionary trading authority registered with the SEC already have the ability to aggregate orders on behalf of clients without obtaining separate consent.[458]

SIFMA commented that proposed § 43.6(i)(2) may require asset managers to obtain consent from each client for whom they will engage in block trades.[459] SIFMA contended that this requirement would be costly and unnecessary, and that notice to the customers [460] or a general grant of investment discretion in the investment management agreement, power of attorney, or similar document should be sufficient.[461] SIFMA further commented that proposed § 43.6(i)(2) is unlike rules governing DCMs in the futures context.[462] SIFMA also argued that DCM rules requiring consent for block trades only require the direct members of the DCM to obtain consent from the members' direct customers, not from the customers' customers. Additionally, SIFMA contended that a client consent requirement does not apply to advisers with respect to futures trades and should not apply to advisers with respect to swaps trades.[463]

After consideration of the comments received, the Commission is adopting § 43.6(i) as proposed. The Commission declines to adopt ICI's clarification and notes that § 43.6(i)(2) is intended to ensure that all customers of CTAs, investment advisers, and similar foreign persons, whether the customers are ECPs or not, are fully informed of the use of block trades on their behalf.

The Commission also disagrees with SIFMA's contention regarding the burdens of obtaining consent. This burden consent will be minimal because § 43.6(i)(2) states that the instruction or consent may be provided through a power of attorney or similar document that provides discretionary trading authority or the authority to direct trading in the account. The consent may therefore be included in existing and future customer agreements. The Commission further disagrees that a general grant of investment discretion or notice to the customer should satisfy § 43.6(i)(2). A customer's written instruction or consent is necessary because a customer potentially may not receive the best terms for an individual swap transaction that is part of an aggregation. The written instruction or consent makes the customer aware that block trades may be used on its behalf, allowing the customer to decide whether to allow these transactions.

The Commission notes that a similar consent requirement was included in the Commission's proposed DCM rule.[464] The Commission believes that the customer protection functions of the consent requirement apply, regardless of the degree of separation between the customer and the DCM or SEF. As discussed above, the consent requirement ensures that customers are informed of the use of block trades for their accounts. If a CTA, an investment adviser, or a similar foreign person plans to aggregate customer orders for block trades, then the customers must have the opportunity to evaluate whether the customer agrees to the use of aggregation, as evidenced by the written instruction or consent, regardless of whether the CTA, investment adviser, or similar foreign person is a direct member of a DCM or SEF.

III. Anonymity Protections for the Public Dissemination of Swap Transaction and Pricing Data

A. Policy Goals

Section 2(a)(13)(E)(i) of the CEA directs the Commission to protect the identities of counterparties to swaps subject to the mandatory clearing requirement, swaps excepted from the

[453] Section 43.2 defines a ''block trade'' as a publicly reportable swap transaction that ''occurs away from the registered swap execution facility's or designated contract market's trading system or platform and is executed pursuant to the registered swap execution facility's or designated contract market's rules and procedures.''

[454] Section 43.2 defines a ''large notional off facility swap'' as having ''notional or principal amount at or above the appropriate minimum block size.''

[455] CL–ICI at 3.

[456] CL–ICI at 5; CL–SIFMA at 1–2.

[457] CL–ICI at 5.

[458] *Id.*

[459] CL–SIFMA at 1.

[460] *Id.* at 2.

[461] *Id.*

[462] *Id.* at 1 n.4.

[463] *Id.*

[464] Core Principles and Other Requirements for Designated Contract Markets. 75 FR 80572, Dec. 22, 2010. The final DCM rule, however, did not include this proposed regulation which was promulgated, along with various other regulations, to implement Core Principle 9. As noted in the final rule, given the number of comments received under Core Principle 9, the Commission believed that additional time was appropriate before finalizing the proposed rules for Core Principle 9; it expects to consider the proposed rules at a future date. 77 FR 36643, June 19, 2012.

mandatory clearing requirement, and voluntarily cleared swaps. Similarly, section 2(a)(13)(C)(iii) of the CEA requires that the Commission prescribe rules that maintain the anonymity of business transactions and market positions of the counterparties to an uncleared swap.[465] In proposed amendments to § 43.4(h) and 43.4(d)(4), as described further below, the Commission proposed measures to protect the identities of counterparties and to maintain the anonymity of their business transactions and market positions in connection with the public dissemination of publicly reportable swap transactions. The Commission proposed to follow the practices used by most federal agencies when releasing to the public company-specific information—by removing obvious identifiers, limiting geographic detail (*e.g.,* disclosing general, non-specific geographical information about the delivery and pricing points) and masking high-risk variables by truncating extreme values for certain variables (*e.g.,* capping notional values).[466]

B. Establishing Notional Cap Sizes for Swap Transaction and Pricing Data to Be Publicly Disseminated in Real-Time

1. Policy Goals for Establishing Notional Cap Sizes

In addition to establishing appropriate minimum block sizes, the Commission also proposed to amend § 43.4(h) to establish cap sizes for notional and principal amounts that would mask the total size of a swap transaction if it equals or exceeds the appropriate minimum block size for a given swap category. For example, if the block size for a category of interest rate swaps was $1 billion, the cap size was $1.5 billion, and the actual transaction had a notional value of $2 billion, then this swap transaction would be publicly reported with a delay and with a notional value of $1.5+ billion.

The proposed cap size provisions are consistent with the two relevant statutory requirements in section 2(a)(13) of the CEA. First, the cap size provisions would help protect the anonymity of counterparties' market positions and business transactions as required in section 2(a)(13)(C)(iii) of the CEA.[467] Second, the masking of extraordinarily large positions also takes into consideration the requirement under section 2(a)(13)(E)(iv) that the Commission take into account the impact that real-time public reporting could have in reducing market liquidity.[468]

2. Proposed Amendments Related to Cap Sizes—§ 43.2 Definitions and § 43.4 Swap Transaction and Pricing Data To Be Publicly Disseminated in Real-Time

The Commission proposed an amendment to § 43.2 to define the term ''cap size'' as the maximum limit of the principal, notional amount of a swap that is publicly disseminated. This term applies to the cap sizes determined in accordance with the proposed amendments to § 43.4(h) of the Commission's regulations.

Section 43.4(h) of the Commission's regulations currently establishes interim cap sizes for rounded notional or principal amounts for all publicly reportable swap transactions. In the Real-Time Reporting Final Rule, the Commission finalized § 43.4(h) to provide that the notional or principal amounts shall be capped in a manner that adjusts in accordance with the appropriate minimum block size that corresponds to a publicly reportable swap transaction.[469] Section 43.4(h) further provides that if no appropriate minimum block size exists, then the cap size on the notional or principal amount shall correspond to the interim cap sizes that the Commission has established for the five asset classes.[470] In § 43.4(h) and as described in the Real-Time Reporting Final Rule, the Commission notes that SDRs will apply interim cap sizes until such time as appropriate minimum block sizes are established.[471] The Commission continues to believe that the interim cap sizes for each swap category should correspond with the applicable appropriate minimum block size, to the extent that an appropriate minimum block size exists.[472]

The Commission proposed to amend § 43.4(h) both to establish initial cap sizes for each swap category within the five asset classes and also to delineate a process for the post-initial period through which the Commission would establish post-initial cap sizes for each swap category.[473] The Commission also proposed changing the term ''interim'' as it is used in § 43.4(h) in the Real-Time Reporting Rule to ''initial'' in order to correspond with the description of the initial period in proposed § 43.6(e).

a. Initial Cap Sizes

In the initial period,[474] proposed § 43.4(h)(1) would set the cap size for each swap category as the greater of the interim cap sizes in all five asset classes set forth in the Real-Time Reporting Final Rule (§ 43.4(h)(1)–(5)) or the appropriate minimum block size for the respective swap category.[475] If such appropriate minimum block size does not exist, then the cap sizes shall be set at the interim cap sizes set forth in the Real-Time Reporting Final Rule (§ 43.4(h)(1)–(5)).

For the initial period, AII and ISDA/SIFMA argued that the cap size should be the lower of block size and the interim cap size in § 43.4(h)(1).[476] EEI stated that the cap size of $25 million for both the electricity swap contracts proposed to be added to appendix B and the electricity swaps in the other commodity swap categories in appendix D, which would be based on the interim cap sizes established by the Commission in the Real-Time Reporting Final Rule, is too high. EEI instead recommended both a fixed cap size and a minimum block size of $3 million.[477]

After consideration of the comments received, the Commission is adopting

[465] This provision does not cover swaps that are ''determined to be required to be cleared but are not cleared.'' *See* 7 U.S.C. 2(a)(13)(C)(iv).

[466] The Commission is following the necessary procedures for releasing microdata files as outlined by the Federal Committee on Statistical Methodology: (i) Removal of all direct personal and institutional identifiers, (ii) limiting geographic detail, and (iii) top-coding high-risk variables which are continuous. *See* Federal Committee on Statistical Methodology, Report on Statistical Disclosure Limitation Methodology 94 (Statistical Policy Working Paper 22, 2d ed. 2005), *http://www.fcsm.gov/working-papers/totalreport.pdf.* The report was originally prepared by the Subcommittee on Disclosure Limitation Methodology in 1994 and was revised by the Confidentiality and Data Access Committee in 2005.

[467] *See* 7 U.S.C. 2(a)(13)(C)(iii).

[468] *See* 7 U.S.C. 2(a)(13)(E)(iv).

[469] *See* 77 FR 1247.

[470] Sections 43.4(h)(1)–(5) established the following interim cap sizes for the corresponding asset classes: (1) Interest rate swaps at $250 million for tenors greater than zero up to and including two years, $100 million for tenors greater than two years up to and including 10 years, and $75 million for tenors greater than 10 years; (2) credit swaps at $100 million; (3) equity swaps at $250 million; (4) foreign exchange swaps at $250 million; and (5) other commodity swaps at $25 million.

[471] *See* 77 FR 1215.

[472] Leading industry trade associations agree that cap sizes are an appropriate mechanism to ensure that price discovery remains intact for block trades, while also protecting post-block trade risk management needs from being anticipated by other market participants. *See* ISDA and SIFMA, Block Trade Reporting for Over-the-Counter Derivatives Market, Jan. 18, 2011.

[473] The Commission does not intend the provisions in this final rule to prevent a SEF or DCM from sharing the exact notional amounts of a swaps transaction on or pursuant to the rules of its platform with market participants on such platform irrespective of the cap sizes set by the Commission. To share the exact notional amounts of swaps, the SEF or DCM must comply with § 43.3(b)(3)(i) of the Commission's regulations. *See* 77 FR 1245.

[474] The initial period is the period prior to the effective date of a Commission determination to establish applicable post-initial cap sizes. *See* proposed § 43.4(h)(1).

[475] *See* 77 FR 1249.

[476] CL–AII at 12; CL–ISDA/SIFMA at 15.

[477] CL–EEI at 11–12.

§ 43.4(h)(1) as proposed. EEI recommends a lower cap size for specific swap categories—particularly electricity swaps—but it does not recommend any change to the proposed interplay between cap size and appropriate minimum block size during the interim period. The cap size for the interim period was established by the Real-Time Reporting Final Rule, and the Commission considered the appropriate level for these cap sizes at that time. The Commission did not propose altering the interim cap size in the Further Block Proposal, and thus did not receive comments regarding altering the interim cap size beyond that of EEI. The Commission does not believe that altering the interim cap size would be appropriate under such circumstances.

AII and ISDA/SIFMA recommended that the cap size be set as the lower of the appropriate minimum block size and the interim cap sizes set forth in the Real-Time Reporting Rule. The Commission, however, disagrees with this view of the relationship between block thresholds and cap sizes. All of the information regarding a block trade is reported to the market at the end of the block time delay. Cap sizes, on the other hand, are never expressed to the market. Because this information is not reported to the market in real-time, nor reported to the market at all, the Commission believes that cap sizes should be set at a higher level than block sizes, in order to minimize the amount of information that is never publicly disseminated. Accordingly, the Commission is adopting § 43.4(h)(1) as proposed.

b. Post-Initial Cap Sizes and the 75-Percent Notional Amount Calculation

Pursuant to proposed § 43.4(h)(2)(ii), the Commission would use a 75 percent notional amount calculation, as proposed in § 43.6(c)(2), to determine the appropriate post-initial cap sizes for all swap categories for the purpose of reporting block trades or large notional off-facility swaps of significant size.[478] This calculation methodology would be different from the 67 percent notional amount calculation methodology that the Commission proposed in § 43.6(c)(1), which would be used to determine appropriate minimum block sizes.[479]

For the 75 percent notional amount calculation, the Commission would determine the appropriate cap size through the following process, pursuant to proposed § 43.6(c)(2): (step 1) select all of the publicly reportable swap transactions within a specific swap category using a rolling three-year window of data beginning with a minimum of one year's worth of data and adding one year of data for each calculation until a total of three years of data is accumulated; (step 2) convert to the same currency or units and use a trimmed data set; (step 3) determine the sum of the notional amounts of swaps in the trimmed data set; (step 4) multiply the sum of the notional amount by 75 percent; (step 5) rank order the observations by notional amount from least to greatest; (step 6) calculate the cumulative sum of the observations until the cumulative sum is equal to or greater than the 75 percent notional amount calculated in step 4; (step 7) select the notional amount associated with that observation; (step 8) round the notional amount of that observation to two significant digits, or if the notional amount associated with that observation is already significant to two digits, increase that notional amount to the next highest rounding point of two significant digits; and (step 9) set the appropriate minimum block size at the amount calculated in step 8.

Consistent with the Commission's proposed process to determine the appropriate post-initial minimum block sizes, proposed § 43.4(h)(3) provided that the Commission would publish post-initial cap sizes on its Web site. Proposed § 43.4(h)(4) provided that unless otherwise indicated on the Commission's Web site, the post-initial cap sizes would become effective on the first day of the second month following the date of publication.

The Commission received 10 comments regarding the 75 percent notional amount calculation for determining post-initial cap sizes. One commenter, Javelin, supported the 75 percent notional amount calculation and stated that it was consistent with the minimum block size threshold established by the Commission.[480]

Seven commenters, however, recommended that the Commission set post-initial cap sizes matching the post-initial minimum block size thresholds established by the Commission. AII recommended setting the post-initial cap size for each swap category at the same level as the post-initial block size threshold and states that the 75 percent notional amount calculation is far too high.[481] GFMA similarly stated that the same rationale should apply to cap and block sizes, as both have potential negative impacts on liquidity.[482] ICI stated that the 75 percent notional amount would be too high for determining cap size because the lack of depth and liquidity in the swaps market could cause public reporting of block sizes to reveal identities, business transactions, and market positions of participants, and recommended a 67 percent notional amount calculation for determining cap size in the post-initial period.[483] ISDA/SIFMA also stated that the added transparency from reporting transaction sizes between 67 percent and 75 percent would not outweigh the harm to liquidity from additional disclosure, and urges the Commission to ensure that the post-initial cap size is always equal to the relevant block size.[484] MFA commented that it is unnecessary for the Commission to establish cap sizes that differ from minimum block sizes as there is not a meaningful transparency benefit that would outweigh the resource burdens on the Commission, SDRs, SEFs, and other market participants.[485] SIFMA recommended that the Commission should set the notional cap size at the block threshold, as the added public dissemination could harm liquidity in the same manner that a higher block trade size threshold might.[486] Vanguard believes that it is essential that the cap match the block trade threshold, as to do otherwise would compromise the liquidity protections afforded by the nuanced assessment of block trade thresholds.[487]

Two other commenters suggested alterations of the Commission's proposed cap sizes. Barclays recommended that the post-initial period cap sizes be introduced at more nuanced levels that reflect the differences between product's traded volumes.[488] EEI recommended a much lower fixed cap size for Electricity Swap Contracts and the Other Commodity Electricity Swap Category.[489]

After consideration of the comments above, the Commission is adopting § 43.4(h)(2)(ii) as proposed. The Commission is of the view that setting post-initial cap sizes above appropriate minimum block sizes would provide additional pricing information with respect to large swap transactions, which are large enough to be treated as block trades (or large notional off-facility swaps), but small enough that they do not exceed the applicable post-

[478] *See* proposed § 43.6(c)(2).

[479] *See* proposed § 43.6(c)(2).

[480] CL–Javelin at 2.

[481] CL–AII at 12.

[482] CL–GFMA at 5.

[483] CL–ICI at 8.

[484] CL–ISDA/SIFMA at 15.

[485] CL–MFA at 8–9.

[486] CL–SIFMA at 12.

[487] CL–Vanguard at 7.

[488] CL–Barclays at 6.

[489] CL–EEI at 11–12.

initial cap size. This additional information may enhance price discovery by publicly disseminating more information relating to market depth and the notional sizes of publicly reportable swap transactions, while still protecting the anonymity of swap counterparties and their ability to lay off risk when executing extraordinarily large swap transactions.

The Commission notes that Section 2(a)(13) tasks the Commission with bringing real-time public reporting to the swaps market. Section 2(a)(13)(E) expressly provides that the Commission determine appropriate time delays for block trades and large notional off-facility swaps. However, these provisions only call for a time delay—they do not provide for information to be kept from the market in perpetuity. All of the information regarding a block trade is reported to the market at the end of the block time delay. Cap sizes, on the other hand, are never expressed to the market. Because this information is not reported to the market in real-time, nor reported to the market at all, the Commission believes that cap sizes should be set at a higher level than block sizes. The 75 percent notional test balances the competing interests of providing meaningful real-time public reporting to the swaps market and protecting the anonymity of swap market participants, while taking into account potential impacts on market liquidity.

If market participants conclude that the Commission has set cap sizes for a specific swap category in a way that will materially reduce market liquidity, then those participants are encouraged to submit data to support their conclusion. In addition, through its own surveillance of swaps market activity, the Commission may become aware that a cap size would reduce market liquidity for a specific swap category. In response to either a submission or its own surveillance of swaps market activity, the Commission has the legal authority to take action by rule or order to mitigate the potential effects on market liquidity of cap sizes with respect to swaps in a particular swap category.

C. Masking the Geographic Detail of Swaps in the Other Commodity Asset Class

1. Policy Goals for Masking the Geographic Detail for Swaps in the Other Commodity Asset Class

In the Real-Time Reporting Final Rule, the Commission sets forth general protections for the identities, market positions and business transactions of swap counterparties in § 43.4(d). Section 43.4(d) generally prohibits an SDR from publicly disseminating swap transaction and pricing data in a manner that discloses or otherwise facilitates the identification of a swap counterparty.[490] Notwithstanding that prohibition, § 43.4(d)(3) provides that SDRs are required to publicly disseminate data that discloses the underlying asset(s) of publicly reportable swap transactions.

Section 43.4(d)(4) contains special provisions for swaps in the other commodity asset class. These swaps raise special concerns because the public disclosure of the underlying asset(s) may in turn reveal the identities, market positions and business transactions of the swap counterparties. To address these concerns, § 43.4(d)(4) limits the types of swaps in the other commodity asset class that are subject to public dissemination. Specifically, § 43.4(d)(4)(ii) of the Commission's regulations provides that, for publicly reportable swap transactions in the other commodity asset class, SDRs must publicly disseminate the actual underlying assets only for: (1) those swaps executed on or pursuant to the rules of a SEF or DCM; (2) those swaps referencing one of the contracts described in appendix B to part 43; and (3) those swaps that are economically related to one of the contracts described in appendix B to part 43.[491] Essentially, the Commission has determined that these three categories of swap have sufficient liquidity such that the disclosure of the underlying asset would not reveal the identities, market positions and business transactions of the swap counterparties.

In its Real-Time Reporting Final Rule, the Commission included in appendix B to part 43 a list of contracts that, if referenced as an underlying asset, should be publicly disseminated in full without limiting the commodity or geographic detail of the asset. In the Further Block Proposal, the Commission proposed adding 13 contracts to appendix B to part 43 under the ''Other Contracts'' heading.[492] The Commission believes that since it previously has determined that these 13 contracts have material liquidity and price references, among other things, the public dissemination of the full underlying asset for publicly reportable swap transactions that reference such contracts (and any underlying assets that are economically related thereto) would not disclose the identities, market positions and business transactions of swap counterparties.

Pursuant to the Real-Time Reporting Final Rule, any publicly reportable swap transaction in the other commodity asset class that is excluded under § 43.4(d)(4)(ii) would not be subject to the reporting and public dissemination requirements for part 43 upon the effective date of the Real-Time Reporting Final Rule. The Commission noted in the Real-Time Reporting Final Rule that it planned to address the group of other commodity swaps that were not subject to the rules of part 43 in a forthcoming release.[493] Accordingly, the Commission proposed in the Further Block Proposal to address the public dissemination of swap transaction and pricing data for the group of other commodity swaps that are not covered currently by § 43.4(d)(4)(ii).

The Commission is of the view that given the lack of data on the liquidity for certain swaps in the other commodity asset class, the lack of data on the number of market participants in these other commodity swaps markets, and the statutory requirement to protect the anonymity of market participants,[494] the public dissemination of less specific information for swaps with specific geographic or pricing detail may be appropriate. The Commission believes that the public dissemination of the exact underlying assets for swaps in this group of the other commodity asset class may subject the identities, market positions and business transactions of market participants to unwarranted public disclosure if additional protections are not established with respect to the geographic detail of the underlying asset. For that reason, the Commission proposed that SDRs mask or otherwise disguise the geographic details related to the underlying assets of a swap in connection with the public dissemination of such swap transaction and pricing data.[495]

2. Proposed Amendments to § 43.4

In order to accommodate the policy goals described above, the Commission proposed adding § 43.4(d)(4)(iii) to part 43 to establish rules regarding the

[490] *See* § 43.4(d)(1) of the Commission's regulations.

[491] Appendix B to part 43 provides a list of 28 ''Enumerated Physical Commodity Contracts'' as well as 1 contract under the ''Other Contracts'' heading. *See* 77 FR 1182 app. B.

[492] Appendix B to part 43 currently lists only Brent Crude Oil (ICE) under the ''Other Contracts'' heading.

[493] *See* 77 FR 1211.

[494] *See* sections 2(a)(13)(E)(i) and 2(a)(13)(C)(iii) of the CEA. 7 U.S.C. 2(a)(13)(C)(iii), (E)(i).

[495] Limiting the geographical detail is a typical statistical disclosure control used by other federal agencies as described in the Report on Statistical Disclosure Limitation Methodology. *See supra* note 61.

public dissemination of the remaining group of swaps in the other commodity asset class (*i.e.,* those not described in § 43.4(d)(4)(ii)). In the Commission's view, proposed § 43.4(d)(4)(iii) would ensure that the public dissemination of swap transaction and pricing data would not unintentionally disclose the identities, market positions and business transactions of any swap counterparty to a publicly reportable swap transaction in the other commodity asset class. In particular, proposed § 43.4(d)(4)(iii) provides that SDRs must publicly disseminate the details about the geographic location of the underlying assets of the other commodity swaps not described in § 43.4(d)(4)(ii) (*i.e.,* other commodity swaps that have a specific delivery or pricing point) pursuant to proposed appendix E to part 43. Proposed appendix E to part 43 is discussed in the next subsection.

The Commission recognizes that requiring the public dissemination of less specific geographic detail for an other commodity swap may, to some extent, diminish the price discovery value of swap transaction and pricing data for such swap. The Commission believes, however, that the public dissemination of such data will still provide the market with useful information relating to market depth, trading activity and pricing information for similar types of swaps.

The Commission also proposed making conforming amendments to § 43.4(d). Specifically, the Commission proposed amending the introductory language to § 43.4(d)(4)(i) by deleting ''§ 43.4(d)(4)(ii)'' and adding in its place ''§ 43.4(d)(4)(ii) and (iii)'' to make clear that SDRs have to publicly disseminate swaps data under § 43.4(d)(4)(iii) in accordance with part 43.[496]

The Commission received no comments regarding § 43.4(d)(4)(i) and (ii). The Commission is adopting § 43.4(d)(4)(i) and (ii) as proposed.

3. Application of Proposed § 43.4(d)(4)(iii) and Proposed Appendix E to Part 43—Geographic Detail for Delivery or Pricing Points

Proposed appendix E to part 43 includes the system that SDRs would be required to use to mask the specific delivery or pricing points that are a part of an underlying asset in connection with the public dissemination of swap transaction and pricing data for certain swaps in the other commodity asset class. To the extent that the underlying asset of a publicly reportable swap transaction described in proposed § 43.4(d)(4)(iii) does not have a specific delivery or pricing point, the provisions of proposed § 43.4(d)(4)(iii) and proposed appendix E to part 43 would not apply. Specifically, proposed appendix E to part 43 provides top-coding for various geographic regions, both in the United States and internationally.

Subsection (a) below includes a description of the top-coding U.S. regions. Subsection (b) below includes a description of the top-coding non-U.S. regions. Finally, subsection (c) below outlines the proposed system for SDRs to publicly disseminate ''basis swaps.''[497]

a. U.S. Delivery or Pricing Points

Table E1 in proposed appendix E to part 43 lists the geographic regions that an SDR would publicly disseminate for an off-facility swap in the other commodity asset class that is described in proposed § 43.4(d)(4)(iii). The Commission proposed that an SDR publicly disseminate swap transaction and pricing data for certain energy and power swaps in the other commodity asset class, as described in more detail below, in a different manner than the remaining other commodities. In order to mask the specific delivery or pricing detail of these energy and power swaps, the Commission proposed using established regions or markets that are associated with these underlying assets.

i. Natural Gas and Related Products

In proposed § 43.4(d)(4)(iii) and proposed appendix E to part 43, the Commission set forth a method to describe the publicly reportable swap transactions that have natural gas or related products as an underlying asset and have a specific delivery or pricing point in the United States. In particular, the proposal required SDRs to publicly disseminate a description of the specific delivery or pricing point based on one of the five industry specific natural gas markets set forth by the Federal Energy Regulatory Commission (''FERC'').[498] The FERC Natural Gas Markets reflect natural deviations found in the spot prices in different markets.[499] The Commission anticipates that a distinction for natural gas is necessary to enhance price discovery while protecting the identities of the parties, business transactions and market positions of market participants.

The proposed five markets for public dissemination of delivery or pricing points for natural gas swaps are as follows: (i) Midwest (including North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, Indiana, Illinois, Iowa, Nebraska, Kansas, Oklahoma, Missouri and Arkansas); (ii) Northeast (including Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Vermont, Connecticut, New York, Pennsylvania, Kentucky, Ohio, West Virginia, New Jersey, Delaware, Maryland and Virginia);[500] (iii) Gulf (including Louisiana and Texas); (iv) Southeast (including Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama and Mississippi); and (v) Western (including Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Washington, Oregon, California, Nevada and Arizona). For any other pricing points in the United States, SDRs would publicly disseminate ''Other U.S.'' in place of the actual pricing or delivery point for such natural gas swaps.

ii. Petroleum and Related Products

In proposed § 43.4(d)(4)(iii) and proposed appendix E to part 43, the Commission set forth a method to describe the publicly reportable swap transactions that have petroleum or related products as an underlying asset and have a specific delivery or pricing point in the United States. In particular, the proposal would require SDRs to publicly disseminate a description of the specific delivery or pricing point based on one of the seven Petroleum Administration for Defense Districts (''PADD'') regions.[501] The PADD regions indicate economically and geographically distinct regions for the purposes of administering oil allocation.

[496] In addition to proposing limitations on the geographic detail for public dissemination of underlying assets for certain swaps in the other commodity asset class, the Commission also proposed amending § 43.4(g) and (h) to make conforming changes.

[497] For the purposes of the Further Block Proposal and this final rule, basis swaps are defined as swap transactions in which one leg of the swap references a contract described in appendix B to part 43 (or is economically related thereto) and the other leg of the swap does not.

[498] *See* FERC, National Gas Markets—Overview, *http://www.ferc.gov/market-oversight/mkt-gas/overview.asp* (last viewed May 6, 2013).

[499] *See* FERC, Natural Gas Market Overview: Spot Gas Prices, *http://www.ferc.gov/market-oversight/mkt-gas/overview/ngas-ovr-avg-spt-ng-pr.pdf* (updated Jan.10, 2013). In addition, there is evidence that the spot prices in these markets and the corresponding futures prices are highly correlated. D. Murray, Z. Zhu, ''Asymmetric price responses, market integration and market power: A study of the U.S. natural gas market,'' *Energy Economics,* 30 (2008) 748–65.

[500] The District of Columbia would be included in this region, if any specific delivery or pricing points existed at the time of the Further Block Proposal.

[501] *See* PADD Map, Appendix A, Petroleum Administration for Defense Districts, *http://www.eia.gov/todayinenergy/detail.cfm?id=4890*, (last viewed May 6, 2013).

The Department of Energy's Energy Information Administration (''EIA'') collects and publishes oil supply and demand data with respect to the PADD regions.[502] Accordingly, to provide consistency with EIA publications and information regarding regional patterns, the Commission proposed that specific delivery or pricing points with respect to such petroleum product swaps are publicly disseminated based on PADD regions.

The PADD regions for public dissemination of delivery or pricing points for such petroleum product swaps are as follows: (i) PADD 1A (New England); (ii) PADD 1B (Central Atlantic); (iii) PADD 1C (Lower Atlantic); (iv) PADD 2 (Midwest); (v) PADD 3 (Gulf Coast); (vi) PADD 4 (Rocky Mountains); and (vii) PADD 5 (West Coast).[503] For any other pricing points in the United States, SDRs would publicly disseminate the term ''Other U.S.'' in place of the actual pricing or delivery point for such petroleum product swaps.

iii. Electricity and Sources

In proposed § 43.4(d)(4)(iii), the Commission also set forth a method to describe publicly reportable swap transactions that have electricity and sources as an underlying asset and have a specific delivery or pricing point in the United States. In particular, the proposal would require SDRs to publicly disseminate the specific delivery or pricing point based on a description of one of the FERC Electric Power Markets.[504]

The markets for public dissemination of delivery or pricing points for such electricity swaps are as follows: (i) California (CAISO); (ii) Midwest (MISO); (iii) New England (ISO–NE); (iv) New York (NYISO); (v) Northwest; (vi) Pennsylvania-New Jersey-Maryland (PJM); (vii) Southeast; (viii) Southwest; (ix) Southwest Power Pool (SPP); and (x) Texas (ERCOT). For any other pricing points in the United States, SDRs would publicly disseminate the term ''Other U.S.'' in place of the actual pricing or delivery point for such electricity and sources swaps.

iv. All Remaining Other Commodities

In proposed § 43.4(d)(4)(iii) and proposed appendix E to part 43, the Commission set forth a method to describe any swaps in the other commodity asset class that do not have oil, natural gas, electricity, or petroleum as an underlying asset, but have specific delivery or pricing points in the United States. In particular, the Commission proposed that SDRs publicly disseminate information with respect to these swaps based on the 10 federal regions established by the U.S. Energy Information Administration (''EIA''). The Commission believed that the use of the 10 federal regions would provide consistency among different types of underlying assets in the other commodity asset class with respect to delivery and pricing point descriptions.

The 10 federal regions that SDRs would use for public dissemination under the proposal for all remaining other commodity swaps are as follows: (i) Region I (including Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont); (ii) Region II (including New Jersey and New York); (iii) Region III (including Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia); (iv) Region IV (including Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee); (v) Region V (including Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin); (vi) Region VI (including Arkansas, Louisiana, New Mexico, Oklahoma and Texas); (vii) Region VII (including Iowa, Kansas, Missouri and Nebraska); (viii) Region VIII (including Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming); (ix) Region IX (including Arizona, California, Hawaii and Nevada); and (x) Region X (including Alaska, Idaho, Oregon and Washington).[505]

b. Non-U.S. Delivery or Pricing Points

Table E2 in proposed appendix E to part 43 provided the appropriate manner for SDRs to publicly disseminate non-U.S. delivery or pricing points for all publicly reportable swap transactions described in the proposed § 43.4(d)(4)(iii). The Commission is of the view that SDRs should not publicly disseminate the actual location for these international delivery or pricing points since the public disclosure of such information may disclose the identities of parties, business transactions and market positions of market participants. In Table E2, the Commission proposed the countries and regions that an SDR must publicly disseminate. In proposing the use of these geographic breakdowns for the public reporting of international delivery or pricing points, the Commission considered world regions that have significant energy consumption, whether ISDA-specific documentation exists for a particular country, and whether public disclosure would compromise the anonymity of the swap counterparties.

The Commission proposed the following international regions for publicly disseminating specific delivery or pricing points of publicly reportable swap transactions described in § 43.4(d)(4)(iii): (i) North America (publicly disseminate ''Canada'' or ''Mexico''); (ii) Central America (publicly disseminate ''Central America''); (iii) South America (publicly disseminate ''Brazil'' or ''Other South America''); (iv) Europe (publicly disseminate ''Western Europe,'' ''Northern Europe,'' ''Southern Europe,'' or ''Eastern Europe''); (v) Russia (publicly disseminate ''Russia'');[506] (vi) Africa (publicly disseminate ''Northern Africa,'' ''Western Africa,'' ''Eastern Africa,'' ''Central Africa,'' or ''Southern Africa''); (vii) Asia-Pacific (publicly disseminate ''Northern Asia,'' ''Central Asia,'' ''Eastern Asia,'' ''Western Asia,'' ''Southeast Asia,'' or ''Australia/New Zealand/Pacific Islands''). The Commission considered whether a more granular approach is necessary for certain regions in order to enhance price discovery while still protecting anonymity. For example, Mexico, Canada and Russia may benefit from a more granular public dissemination of delivery or pricing points given the amount of energy production in those regions.

To the extent that a publicly reportable swap transaction described in proposed § 43.4(d)(4)(iii) references the United States as a whole and not a specific delivery or pricing point, proposed appendix E would require an SDR to publicly disseminate that reference. For example, an SDR would publicly disseminate a weather swap that references ''U.S. Heating Monthly'' as ''U.S. Heating Monthly.''

c. Basis Swaps

The Commission proposed requiring SDRs to ensure that specific underlying assets are publicly disseminated for basis swaps that qualify as publicly

[502] *See* U.S. Energy Information Administration (EIA)—Petroleum & Other Liquids, *http://www.eia.gov/petroleum/data.cfm* (last viewed May 6, 2013).

[503] Alternatively, the Commission is considering combining the East Coast PADD into one category, such that any oil swap with a specific delivery or pricing point as PADD 1A (New England), PADD 1B (Central Atlantic) or PADD 1C (Lower Atlantic) would be publicly disseminated as PADD 1 (East Coast).

[504] See FERC, Electric Power Markets—Overview, *http://www.ferc.gov/market-oversight/mkt-electric/overview.asp* (last viewed May 6, 2013).

[505] *See* U.S. Energy Information Administration, U.S. Federal Region Map, *http://www.eia.gov/electricity/regionsmap/fedregstates.html* (last visited May 6, 2013).

[506] Note that Russia is not included in ''Eastern Europe'' or in ''Northern Asia'' and instead should be publicly disseminated as ''Russia.''

reportable swap transactions. The Commission recognizes that basis swaps exist in which one leg of the swap references a contract described in appendix B to part 43 (or is economically related to one such contract) and the other leg of the swap references an asset or pricing point not listed in appendix B to part 43. Currently, § 43.4(d)(4)(ii)(A)–(B) requires an SDR to publicly disseminate the actual underlying asset of the leg of the basis swap that references or is economically related to a contract listed in appendix B to part 43. To the extent that a basis swap is executed on or pursuant to the rules of a SEF or DCM, an SDR would also publicly disseminate the specific underlying asset. With respect to the leg of a basis swap that does not reference a contract in appendix B to part 43, however, the Commission proposed to require SDRs to publicly disseminate the underlying asset of that leg pursuant to proposed § 43.4(d)(4)(iii) and proposed appendix E to part 43, *i.e.,* with top-coding provisions.

d. Comments Received and Commission Determination

The Commission received three comments regarding the masking of specific delivery or pricing detail of energy and power swaps. EEI recommended that the Commission mask data regarding Other Commodity Electricity Swaps according to the North American Electric Reliability Corporation eight regions rather than the FERC regions proposed.[507] Barclays recommended that the Commission use wider geographic regions when publicly disseminating data for commodity swaps with very specific underlying assets and/or delivery points and develop an appropriate process to avoid identifying issuers of debt.[508] Spring Trading supported further measures to prevent public disclosure of identities, business transactions, and market positions of swap market participants, and recommended disclosing a subset of data on a collective basis at a later date.

After consideration of the comments received, the Commission is adopting § 43.4(d)(4)(iii) with the following modification. For publicly reportable swap transactions that have electricity and sources as an underlying asset and have a specific delivery or pricing point in the United States, the Commission is requiring SDRs to publicly disseminate the specific delivery or pricing point based on a description of one of the North American Electric Reliability Corporation (''NERC'') regions for publicly disseminating delivery or pricing points for electricity swaps described in proposed § 43.4(d)(4)(iii). The NERC regions are broader than the FERC regions and include much of Canada. Specifically, the NERC regions are as follows: (i) Florida Reliability Coordinating Council (FRCC); (ii) Midwest Reliability Organization (MRO); (iii) Northeast Power Coordinating Council (NPCC); (iv) ReliabilityFirst Corporation (RFC); (v) SERC Reliability Corporation (SERC); (vi) Southwest Power Pool, RE (SPP); (vii) Texas Regional Entity (TRE); (viii) Western Electricity Coordinating Council (WECC).[509] The Commission is of the view that using these regions as suggested by EEI will provide further masking of specific delivery details and thus further protection against public disclosure of identities, business transactions, and market positions of swap market participants, as recommended by Barclays and Spring Trading.

4. Further Revisions to Part 43

a. Additional Contracts Added to Appendix B to Part 43

Appendix B to part 43 currently lists contracts that, if referenced as an underlying asset, would require SDRs to publicly disseminate the full geographic detail of the asset. In the Real-Time Reporting Final Rule, the Commission provided that SDRs were required to publicly disseminate any underlying asset of a publicly reportable swap transaction that references or is economically related to any contract or contracts listed in appendix B to part 43 in the same manner.

As noted above, the Commission proposed adding 13 natural gas and electricity contracts under the ''Other Commodity'' heading in appendix B to part 43 that have been de-listed and converted into futures contracts listed on a DCM.[510] Nevertheless, the addition of these 13 contracts to appendix B effectively would require SDRs to publicly disseminate these contracts the same way as the other contracts that are currently listed in appendix B to part 43. That is, an SDR would publicly disseminate the actual underlying asset (and any underlying asset(s) that are economically related) without any limitation of the geographic detail.

The Commission had previously determined that these 13 contracts—as swaps—were significant price discovery contracts (''SPDCs'') in connection with trading on exempt commercial markets (''ECMs'').[511] Each of the 13 contracts had undergone an analysis in which the Commission considered the following five criteria: (i) Price linkage (the extent to which the contract uses or otherwise relies on a daily or final settlement price of a contract listed for trade on or subject to the rules of a DCM); (ii) arbitrage (the extent to which the price of the contract is sufficiently related to the price of a contract listed on a DCM to permit market participants to effectively arbitrage between the two markets); (iii) material price reference (the extent to which, on a frequent and recurring basis, bids, offers or transactions in a commodity are directly based on, or are determined by referencing, the prices generated by contracts being traded or executed on the ECM); (iv) material liquidity (the extent to which volume of the contract is sufficient to have a material effect on other contracts listed for trading); and (v) other material factors.[512]

To the extent that the SPDC contracts have been de-listed and replaced by listed futures contracts, the Commission believes that the latter contracts have similar material liquidity and material price reference, among other things. Therefore, the Commission anticipates that, the public dissemination of the full underlying asset for publicly reportable swap transactions that reference such futures contracts (and any underlying assets that are economically related thereto) would not disclose the identities, market positions and business transactions of market participants and would enhance price discovery in the related markets.[513] The Commission did not receive any other comments, and accordingly, is adopting these additions to appendix B.

b. Technical Revisions to Part 43

In the Real-Time Reporting Final Rule, the Commission states that the

[507] CL–EEI at 12–13.

[508] CL–Barclays at 6.

[509] *See* NERC, Key Players: Regional Entities, *http://www.nerc.com/page.php?cid=1%7C9%7C119* (last visited May 6, 2013).

[510] *See supra* note 176.

[511] *Id.*

[512] The Dodd-Frank Act deleted and replaced CEA section 2(h)(7), which contained the five criteria for determining a SPDC. The Dodd-Frank Act amended CEA section 4a(a) to include CEA section 4a(a)(4), which contains a similar version of the five criteria for determining a SPDC in the context of excessive speculation.

[513] The Commission notes that it is not adding ''Henry Financial LD1 Fixed Price,'' a listed futures contract that was converted from ''Henry Financial LD1 Fixed Price Swap'' (which was previously deemed by the Commission to be a SPDC), to appendix B to part 43. This contract is economically related to the ''New York Mercantile Exchange Henry Hub Natural Gas,'' which is listed under ''Enumerated Physical Commodity Contracts'' in appendix B to part 43. Therefore, listing this contract again would be redundant.

transactions described § 43.4(d)(4)(ii)(A)–(C), *i.e.,* the instances in which the actual underlying asset for a publicly reportable swap transaction in the other commodity asset class is to be publicly disseminated, are meant to be exclusive of one another. Under these sections, an SDR is required to publicly disseminate the actual underlying asset(s) of a swap in the other commodity asset class, where the swap (1) is executed on or pursuant to the rules of a SEF or DCM; (2) references a contract listed on appendix B to part 43; or (3) is economically related to a contract on appendix B. Accordingly, the Commission proposed a technical clarification to § 43.4(d)(4)(ii)(B) to clarify the intent that these elements are exclusive of one another, as articulated in the preamble to the Real-Time Reporting Final Rule.

The Commission did not receive any comments regarding the technical clarification to § 43.4(d)(4)(ii)(B). Accordingly, the Commission is adopting § 43.4(d)(4)(ii)(B) as proposed.

IV. Paperwork Reduction Act

A. Background

The purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq. (''PRA'') are, among other things, to minimize the paperwork burden to the private sector, ensure that any collection of information by a government agency is put to the greatest possible uses, and minimize duplicative information collections across the government.[514] The PRA applies with extraordinary breadth to all information, ''regardless of form or format,'' whenever the government is ''obtaining, causing to be obtained [or] soliciting'' information, and includes required ''disclosure to third parties or the public, of facts or opinions,'' when the information collection calls for ''answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons.'' [515] The PRA requirements have been determined to include not only mandatory but also voluntary information collections, and include both written and oral communications.[516]

To effectuate the purposes of the PRA, Congress requires all agencies to quantify and justify the burden of any information collection it imposes.[517] This requirement includes submitting each collection, whether or not it is contained in a rulemaking, to the Office of Management and Budget (''OMB'') for review. The OMB submission process included completing a supporting statement with the agency's burden estimate and justification for the collection. The information collection established within this rulemaking, which included the agency's burden estimate and justification, was subjected to the rulemaking's public comment process. No public comments were received affecting the information burden and justification.

Section 43.6 and amendments to § 43.4 amend an existing collection of information within the meaning of the PRA in two respects. Accordingly, the Commission submitted the Further Block Proposal to the OMB for review pursuant to 44 U.S.C. 3507(d) and 5 CFR1320.11. OMB has assigned control number 3038–0070 to the existing collection of information, which is titled ''Part 43—Real-Time Public Reporting.'' The Commission invited the public to comment on any aspect of the proposed amendments to existing collections of information. The responses to this amended collection of information are mandatory. The Commission did not receive any comments regarding the proposed amendments. Accordingly, the Commission is not revising the estimates contained in the Further Block Proposal, which are described in the following sections.

B. Description of the Collection

On January 9, 2012, the Commission issued the Real-Time Reporting Final Rule, which includes three collections of information requirements within the meaning of the PRA. The first collection of information requirement under Part 43 imposed a reporting requirement on a SEF or DCM when a swap is executed on a trading facility or on the parties to a swap transaction when the swap is executed bilaterally. The second collection of information requirement under Part 43 created a public dissemination requirement on SDRs. The third collection of information requirement created a recordkeeping requirement for SEFs, DCMs, SDRs and any reporting party (as such term is defined in part 43 of the Commission's regulations).

Sections 43.4 and 43.6 amend the first and second collections of information within the meaning of the PRA as described below. The analysis with respect to the amended collections as a result of § 43.6 is set out in section 1 below. The analysis with respect to the amended collections as a result of amendments to § 43.4 is set out in section 2 below.

1. § 43.6(g)—Notification of Election

Section 43.6(g) amends the first and second collections of information within the meaning of the PRA. In particular, § 43.6(g) contains the provisions regarding the election to have a swap transaction treated as a block trade or large notional off-facility swap, as applicable. Section 43.6(g)(1) establishes a two-step notification process relating to block trades. Section 43.6(g)(2) establishes the notification process relating to large notional off-facility swaps. Section 43.6(g) is an essential part of this rulemaking because it provides the mechanism through which market participants will be able to elect to treat their qualifying swap transaction as a block trade or large notional off-facility swap.

Section 43.6(g)(1)(i) contains the first step in the two-step notification process relating to block trades. In particular, this section provides that the parties to a swap that are executed at or above the appropriate minimum block size for the applicable swap category are required to notify the SEF or DCM (as applicable) of their election to have their qualifying swap transaction treated as a block trade. The Commission understands that SEFs and DCMs use automated, electronic, and in some cases, voice processes to execute swap transactions; therefore, the transmission of the notification of a block trade election also would either be automated, electronic or communicated through voice.

The Commission estimates that there are 125 SDs and MSPs, and 1,000 other non-financial end-user parties.[518] The Commission estimates that, on average, SD/MSP reporting parties would likely notify a SEF or DCM of a block trade election approximately 1,000 times per year while non-SD/MSP reporting parties likely would notify a SEF or DCM of a block trade election approximately five times per year.[519] Thus, the Commission estimates that there would be 130,000 notifications of a block trade election by reporting parties under § 43.6(g) each year.[520]

[514] *See* 44 U.S.C. 3501.

[515] *See* 44 U.S.C. 3502.

[516] *See* 5 CFR 1320.3(c)(1).

[517] *See* 44 U.S.C. 3506.

[518] The Commission has previously estimated that 125 SDs and MSPs will register with the Commission and 1,000 non-financial end-users (i.e., non-SD/non-MSPs) will be required to report swap transactions annually. 77 FR 1229–30.

[519] The Commission anticipates that these figures will change as a function of changes in the market structure and practices in the U.S. swaps markets.

[520] The Commission estimates the total number of notifications as follows: 125 SDs/MSPs × 1,000 notifications = 125,000 notifications per year; 1,000 non-SDs/non-MSPs × 5 notifications = 5,000 notifications per year; therefore, the total across all types of entities would be 130,000 notifications per year.

The Commission estimates that the burden hours associated with § 43.6(g)(1)(i) would include: (i) 30 seconds on average for parties to a swap to determine whether a particular swap transaction qualifies as a block trade based on the appropriate minimum block size of the applicable swap category; and (ii) 30 seconds on average for the parties to electronically transmit or otherwise communicate their notice of election. SDs, MSPs and reporting parties would use existing traders (or other professionals earning similar salaries) to electronically transmit or otherwise communicate their notice of election. Based on the Securities Industry and Financial Market Association's 2011 Securities Industry Salary Survey, the Commission estimates that these block traders would earn approximately $184.90 per hour in total compensation.[521] Accordingly, the Commission estimates that the total annual burden hour costs associated with the first step in proposed § 43.6(g)(1)(i) would be 2,167 hours[522] or $400,678 in total annual burden hours costs[523] and $11.8 million in total start-up capital costs.[524]

With respect to the second step, proposed § 43.6(g)(1)(ii) provides that the SEF or DCM, as applicable, that receives an election notification is required to notify an SDR of a block trade election when transmitting swap transaction and pricing data to such SDR for public dissemination. As noted above, the Commission anticipates that SEFs and DCMs would use automated, electronic and, in some cases, voice processes to execute swap transactions. The Commission estimates that there will be approximately 58 SEFs and DCMs. Accordingly, the Commission estimates that the total annual burden associated with the second step in § 43.6(g)(1)(ii) would be approximately $610,740 in non-recurring annualized capital and start-up costs.[525] The Real-Time Reporting Final Rule already has addressed the recurring annualized costs for the hour burden.

Section 43.6(g)(2) is similar to the first step set forth in § 43.6(g)(1). That is, § 43.6(g)(2) provides, in part, that a reporting party who executes a bilateral swap transaction that is at or above the appropriate minimum block size is required to notify the SDR of its election to treat such swap as a large notional off-facility swap. This section provides further that the reporting party is required to notify the SDR in connection with the reporting party's transmission of swap transaction and pricing data to the SDR for public dissemination. The Commission anticipates that reporting parties may have various methods through which they will transmit information to SDRs, which would include a large notional off-facility swap election. Most reporting parties would use automated and electronic methods to transmit this information; other reporting parties, because of the expense associated with building an electronic infrastructure, may contract with third parties (including their swap counterparty) to transmit the notification of a large notional off-facility swap election.

The Commission estimates that the incremental time and cost burden associated with the § 43.6(g)(2) would include: (i) One minute for a reporting party to determine whether a particular swap transaction qualifies as a large notional off-facility swap based on the appropriate minimum block size of the applicable swap category; and (ii) one minute for the reporting party (or its designee) to electronically transmit or communicate through voice processes its notice of election. The Commission estimates that, of the approximately 2,250 hours incurred by 125 SDs/MSPs and 1,000 non-SD/MSPs, all of those hours would be spent by traders and market analysts (or designee).[526] SIFMA's report states that traders and market analysts make $184.90 per hour in total compensation.[527]

The Commission estimates that, on average, each of the estimated 125 SD/MSP counterparties would likely notify an SDR of a large notional off-facility swap election approximately 500 times per year while each of the estimated 1,000 non-SD/MSP counterparties would notify an SDR approximately five times per year. Accordingly, the Commission estimates that there are, on average, approximately 67,500 notifications large notional off-facility swaps under § 43.6 each year. Accordingly, the Commission estimates that the total annual burden associated with § 43.6(g)(2) would be approximately 2,250 annual labor hours or $416,025 in annual labor costs.[528]

[521] The Commission previously has utilized wage rate estimates based on average salary and average prior year bonus information for the securities industry compiled by SIFMA. These wage estimates are derived from an industry-wide survey of participants and thus reflect an average across entities; the Commission notes that the actual costs for any individual company or sector may vary from the average.

The Commission estimated the dollar costs of hourly burdens for different types of relevant professionals using the following calculations:

(1) [(2010 salary + bonus) * (salary growth per professional type, 2010–2011)] = Estimated 2010 total annual compensation. The most recent data provided by the SIFMA report describe the 2010 total compensation (salary + bonus) by professional type, the growth in base salary from 2010 to 2011 for each professional type, and the 2011 base salary for each professional type; therefore, the Commission estimated the 2011 total compensation for each professional type, but, in the absence of similarly granular data on salary growth or compensation from 2011 to 2012 and beyond, did not estimate dollar costs beyond 2011. [(Estimated 2011 total annual compensation)/(1,800 annual work hours)] = Hourly wage per professional type.]

(2) [(Hourly wage) * (Adjustment factor for overhead and other benefits, which the Commission has estimated to be 1.3)] = Adjusted hourly wage per professional type.]

(3) [(Adjusted hourly wage) * (Estimated hour burden for compliance)] = Dollar cost of compliance for each hour burden estimate per professional type.]

The sum of each of these calculations for all professional types involved in compliance with a given element of the Further Block Proposal represents the total cost for each counterparty, reporting party, swap dealer, major swap participant, SEF, DCM, or SDR, as applicable to that element of the proposal.

[522] To comply with the election process in proposed § 43.6(g), a market participant likely would need to provide training to its existing personnel and update its written policies and procedures to account for this new process. The total annual burden hours equals the total hours for swap dealers and major swap participants plus the total hours for non-swap dealers and non-major swap participants.

[523] The underlying adjusted labor cost estimate of $184.90 per hour used in this estimate is calculated based on the adjusted wages of swap traders. *See* note 521 supra.

[524] The estimated costs are based on the Commission's estimate of the incremental, non-recurring expenditures to reporting entities, including non-SD/non-MSPs (*i.e.,* non-financial end-users) to: (1) update existing technology, including updating its OMS system ($7,170); and (2) provide training to existing personnel and update written policies and procedures ($3,360). *See* section V.D.1. infra. The Commission believes that SDs/MSPs would incur similar non-recurring start-up costs. The Commission has previously estimated that 125 SDs and MSPs will register with the Commission and 1,000 non-financial end-users (*i.e.,* non-SD/non-MSPs) will be required to report in a year. *See* 77 FR 1229–30.

[525] The Commission bases this estimate on 58 projected SEFs and DCMs, each of which will incur costs of investing in update technology, including updating its OMS system ($6,761.20); and training existing personnel and updating written policies and procedures ($3,195.00). *See* section V.D.1. infra.

[526] The economic costs associated with entering into a third party service arrangement to transmit an electronic notice to an SDR are difficult to determine. There are too many variables that are involved in determining those costs. Notwithstanding this difficulty, the Commission foresees that, for many reporting parties that infrequently trade swaps, the annualized cost of entering into a third-party service arrangement of this type would likely be less than the total annual cost of building an electronic infrastructure to transmit electronic notices directly to an SDR.

[527] *See* note 521 supra.

[528] The labor hour estimate is calculated as follows: (125 SDs/MSPs × 500 notifications) + (1,000 non-SDs/non-MSPs × 5 notifications) = 67,500 notifications × 2 minutes/notification = 135,000 minutes/60 minutes/hour = 2,250 hours. The labor cost estimate is calculated as follows: 2,250 labor hours × $140.93 per hour total compensation = $317,092. The Commission notes that the calculation in the Further Block Proposal incorrectly listed the labor hour estimate as 2,255 hours (rather than 2,250). The labor cost estimate was then incorrectly listed as $317,797 (rather than $317,092) due to the incorrect labor hour estimate.

In addition, the Commission estimates that § 43.6(g)(2) results in $11.8 million in non-recurring annualized capital and start-up costs.[529] The Real-Time Reporting Final Rule addressed all ongoing operational and maintenance costs.[530]

2. Amendments to § 43.4(d)(4) and 43.4(h)

The Commission addresses the public dissemination of certain swaps in the other commodity asset class in § 43.4(d)(4). Section 43.4(d)(4)(ii) provides that for publicly reportable swaps in the other commodity asset class, the actual underlying assets must be publicly disseminated for: (1) Those swaps executed on or pursuant to the rules of a SEF or DCM; (2) those swaps referencing one of the contracts described in appendix B to part 43; and (3) any publicly reportable swap transaction that is economically related to one of the contracts described in appendix B to part 43. Pursuant to the Real-Time Reporting Final Rule, any swap that is in the other commodity asset class that does not fall under § 43.4(d)(4)(ii) would not be subject to reporting and public dissemination requirements upon the effective date of the Real-Time Reporting Final Rule.

In this final rule, the Commission is promulgating a new provision (§ 43.4(d)(4)(iii)), which would develop a system for the public dissemination of exact underlying assets in the other commodity asset class with a ''mask'' based on geographic detail. The Commission is adopting a new appendix to part 43, which contains the geographical top-codes that SDRs would use in masking certain other commodity swaps in connection with such swaps public dissemination of swap transaction and pricing data under part 43. The Commission anticipates that there will be approximately 50,000 additional swaps reported to an SDR each year in the other commodity asset class, which the Commission estimates would be $154,021 in annualized hour burden costs.[531]

The Commission's regulations currently provide a system establishing cap sizes. Section 43.4(h) of the Commission's regulations provides that cap sizes for swaps in each asset class shall equal the appropriate minimum block size corresponding to such publicly reportable swap transaction. If no appropriate minimum block size exists, then § 43.4(h) sets out specific interim cap sizes for each asset class.[532]

This final rule amends § 43.4(h) to establish new cap sizes in the post-initial period using a 75-percent notional amount calculation. Under this amendment, the Commission will perform the calculation; however, SDRs will update their technology and other systems at a minimum of once per year to publicly disseminate swap transaction and pricing data with the cap sizes issued by the Commission.

The Commission estimates that the incremental start-up costs associated with the amendment to §§ 43.4(d)(4) and 43.4(h) for an SDR would include: (1) Reprograming its technology infrastructure to accommodate the masking system and post-initial cap sizes methodology; (2) updating its written policies and procedures to ensure compliance with § 43.4(d)(4)(iii) and the amendment to § 43.4(h); and (3) training staff on the new policies and procedures.[533]

V. Cost-Benefit Considerations

A. Background

Section 15(a) of the Commodity Exchange Act[534] (''CEA'') mandates that the Commission consider the costs and benefits of this rulemaking, which amends portions of part 43 (the Real-Time Reporting Final Rule).[535] Part 43 implements section 727 of the Dodd-Frank Act.[536]

Enacted in the wake of the 2008 financial crisis with the aim of preventing a repeat of the severe harm that crisis caused, Title VII of the Dodd-Frank Act establishes a comprehensive new regulatory framework for swaps and security-based swaps.[537] Among other things, the legislation seeks to promote market integrity, reduce risk, and increase transparency within the financial system as a whole and swaps markets in particular. Consistent with the view that the financial crisis was not attributable to a single weakness, but a combination of several,[538] Title VII does not provide for a single-dimensional fix. Rather, it weaves together a multidimensional regulatory construct designed to ''mitigate costs and risks to taxpayers and the financial system.''[539]

Section 727 concerns a fundamental component in the Dodd-Frank Act construct: public swap transaction reporting. This provision adds section 2(a)(13) to the CEA ''to authorize the Commission to make swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery.''[540] In addition, the section directs the Commission to promulgate certain rules, including rules that:

- Require ''real-time public reporting''—i.e., ''reporting data related to a swap transaction, including price and volume, as soon as technologically practicable after the time at which the swap transaction has been executed''[541]—of swap transactions[542];
- specify ''the criteria for determining what constitutes a large notional swap transaction (block trade) for particular markets and contracts'' and ''the appropriate time delay for reporting

[529] The estimated costs are based on the Commission's estimate of the incremental, non-recurring expenditures to reporting entities, including non-SD/non-MSPs (i.e., non-financial end-users) to (1) update existing technology, including updating its OMS system ($6,761.20); and (2) provide training to existing personnel and update written policies and procedures ($3,195.00). *See* section V.D.1. infra. The Commission believes that SDs/MSPs would incur similar non-recurring start-up costs. The Commission has previously estimated that 125 SDs and MSPs will register with the Commission and 1,000 non-financial end-users (i.e., non-SD/non-MSPs) will be required to report in a year. 77 FR 1229–30.

[530] *See* 77 FR at 1232.

[531] The Commission estimates that there will be 5 SDRs, which will collect swaps data in the other commodity asset class. Each SDR would collect swaps data on approximately 10,000 swap transactions in the other commodity asset class. The commission estimates that it will take each SDR on average approximately 1 minute to publicly disseminate swaps data related to these new swap transactions. The number of burden hours for these SDRs would be 833 hours. As referenced in note 523 *supra,* the total labor costs for a swap trader is $140.93. Thus, the total number of burden hour costs equal the total number of burden hours (833 burden hours) × $140.93.

[532] The Real-Time Reporting Final Rule calculated and addressed the total ongoing burden hours and burden hour costs. *See* 77 FR 11232.

[533] The economic costs associated with entering into a third party service arrangement to transmit an electronic notice to an SDR are difficult to determine because of too many variables involved in determining those costs. Notwithstanding this difficulty, the Commission believes that, for many reporting parties that infrequently trade swaps, the annualized cost of entering into a third-party service arrangement of this type would likely be less than the total annual cost of building an electronic infrastructure to transmit electronic notices directly to an SDR.

[534] 7 U.S.C. 19(a).

[535] Real-Time Public Reporting of Swap Transaction Data, 77 FR 1182, Jan. 9, 2012.

[536] Dodd-Frank Wall Street Reform and Consumer Protection Act section 727, Public Law 111–203, 124 Stat. 1376 (2010) (''Dodd-Frank Act'').

[537] Dodd-Frank Act section 701, et seq.

[538] *See, e.g.,* Financial Crisis Inquiry Commission, ''The Financial Crisis Inquiry Report: Final Report of the National Commission on the Causes of the Financial and Economic Crisis in the United States,'' Jan. 2011, at xxiv, available at *http://www.gpo.gov/fdsys/pkg/GPO-FCIC/pdf/GPO-FCIC.pdf* (listing uncontrolled leverage; lack of transparency, capital and collateral requirements; speculation; interconnection among firms; and concentrations of risk in the market as contributing factors).

[539] S. Rep. No. 111–176, at 92 (2010).

[540] CEA section 2(a)(13)(B).

[541] CEA section 2(a)(13)(A).

[542] CEA section 2(a)(13)(C).

large notional swap transactions (block trades) to the public;'' [543]

• take into account whether public disclosure of swap transaction and pricing data ''will materially reduce market liquidity'' [544];

• protect the identities of counterparties to swaps and maintain the anonymity of business transactions and market positions of swap counterparties.[545]

In January 2012, the Commission adopted the part 43 Real-Time Reporting Final Rule implementing section 2(a)(13)of the CEA.[546] Generally summarized, the Real-Time Reporting Final Rule defined the terms ''block trade'' and ''large notional off-facility swap,'' [547] and established the: (1) Responsibilities of the parties to each swap to report swap transaction and pricing data to a swap data repository (''SDR'') and the types of data they must report [548]; (2) requirements for SDRs to publicly disseminate such data in real-time or, in the case of block trades and large-notional off-facility swaps, subject to a time delay [549]; (3) applicable time delays for public dissemination of block trades and large-notional off-facility swaps data according to asset class [550]; and (4) a system to protect the anonymity of parties to a swap, including interim notional cap sizes for all swaps that are publicly disseminated and the creation of an exception from the real-time public reporting requirement for certain swaps in the ''other commodity'' asset class.[551]

The Real-Time Public Reporting Final Rule as adopted in January 2012, however, deferred its responsibility to promulgate rules that ''specify the criteria for determining what constitutes a large notional [off-facility] swap transaction [or block trade] for particular markets and contracts'' as CEA section 2(a)(13)(E)(ii) requires. Pending the adoption of such supplemental part 43 rules, the Commission adopted ''interim time delays for all swaps.'' [552] Accordingly, at present no swap transaction data is publicly disseminated in real-time; interim time delays are in place for all swaps.[553]

The final rules adopted in this release amend part 43 to establish appropriate minimum block sizes, lift the blanket interim time-delay for all swaps from real-time public reporting, and provide further anonymity provisions to protect the identities of swap counterparties and transactions. More specifically, and as discussed in more detail above, these rules do so by:

• creating ''swap categories'' (i.e., groupings of swaps within the same asset class based on underlying characteristics) to which a common appropriate minimum block size applies [554];

• prescribing a two-period, phased in approach to implement regulations, comprised of an initial period and an on-going (post-initial) period to allow market participants sufficient time for compliance [555];

• establishing initial appropriate minimum block sizes based on the Commission's review and analysis of swap market data across certain asset classes [556];

• obligating set forth a methodology for calculating post-initial appropriate minimum block sizes [557];

• providing a procedure that allows parties to a swap to elect block trade or large notional off-facility swap treatment for a swap transaction; [558] and

• establishing a system to ensure the anonymity of certain swaps in the other commodity asset class,[559] including a methodology for the calculation of initial or post-initial cap sizes.[560]

The rules do not, however, amend part 43 in a manner that alters the appropriate time delays for block trades and large notional off-facility swaps, nor do they require investment in a completely new information infrastructure beyond what is necessary to comply with the existing provisions of part 43.[561] With this release, in conjunction with the separate SEF core principles rulemaking [562] and the made available to trade rulemaking,[563] the Commission is implementing the trade execution mandate of CEA Section 2(h)(8). Due to the clearing mandate, the Final Rule at this time mainly will affect pre-trade transparency only in the interest rate and credit default asset classes. In regard to the foreign exchange and other commodity asset classes, the Commission notes that there is no clearing mandate for foreign exchange swaps and other commodity swaps at this time. Thus, the swaps block rule does not currently affect pre-trade transparency for these asset classes. As these markets evolve, the Commission will continue to monitor developments within each asset class and may exercise its legal authority to take action by rule or order if necessary to address changes in the markets.

This rulemaking requires the Commission to carefully navigate a tension that CEA section 2(a)(13) recognizes: while section 2(a)(13)(C) requires the Commission to promulgate rules to bring real-time public reporting to the swaps market, section 2(a)(13)(E)(iv) requires that in doing so

[543] *See* CEA sections 2(a)(13)(E)(ii) and (iii). Section 2(a)(13)(E) explicitly refers to the swaps described only in sections 2(a)(13)(C)(i) and 2(a)(13)(C)(ii) of the CEA (*i.e.,* clearable swaps, including swaps that are exempt from clearing). The Commission, in exercising its authority under CEA section 2(a)(13)(B) to ''make swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery,'' is authorized to prescribe rules similar to those provisions in section 2(a)(13)(E) to uncleared swaps described in section 2(a)(13)(C)(iii) and (iv) of the CEA. Thus, the Commission is establishing block thresholds for the swaps described in Sections 2(a)(13)(C)(i) and 2(a)(13)(C)(ii) of the CEA as required by Section 2(a)(13)(E). The Commission is establishing large notional off-facility swap thresholds for swaps described in Sections 2(a)(13)(C)(iii) and 2(a)(13)(C)(iv) pursuant to its authority under Section 2(a)(13)(B).

[544] CEA section 2(a)(13)(E)(iv).

[545] *See* CEA sections 2(a)(13)(E)(i) and 2(a)(13)(C)(iii).

[546] Real-Time Public Reporting of Swap Transaction Data, 77 FR 1182, Jan. 9, 2012.

[547] The Real-Time Reporting Final Rule defines the term ''Block trade'' as a publicly reportable swap transaction that: ''(1) [i]nvolves a swap that is listed on a SEF or DCM; (2) [o]ccurs away from the [SEF's or DCM's] trading system or platform and is executed pursuant to the [SEF's or DCM's] rules and procedures; (3) has a notional or principal amount at or above the appropriate minimum block applicable to such swap ; and (4) [i]s reported subject to the rules and procedures of the [SEF or DCM] and the rules described in [part 43], including the appropriate time delay requirements set forth in § 43.5.'' *See* § 43.2, 77 FR 1243.

The Real-Time Reporting Final Rule defined the term ''Large notional off-facility swap as an ''off-facility swap that has a notional or principal amount at or above the appropriate minimum block size applicable to such publicly reportable swap transaction and is not a block trade as defined in § 43.2 of the Commission's regulations.'' *Id.*

[548] *See* § 43.3, 77 FR 1244.

[549] *See* § 43.4, 77 FR 1246.

[550] *See* § 43.5, 77 FR 1247.

[551] *See* § 43.4 (d) and (h), 77 FR 1,246. Section 43.4(h) states that ''[t]he rounded notional or principal amount that is publicly disseminated for a publicly reportable swap transaction shall be capped. . . . '' If the notional or principal amount of a publicly reportable swap transaction is greater than the cap size, the publicly reported size for the trade will be ''[cap size]+.'' For example, if the relevant cap size is 250 million, the publicly reported size will be ''250+.''

[552] 77 FR 1217; *see also* § 43.5(c).

[553] *See* § 43.5(c)(1).

[554] *See* § 43.6(b), which defines swap category by asset class.

[555] *See* § 43.6(e) and (f).

[556] *See* § 43.6(e) and appendix F to part 43.

[557] *See* § 43.6(c) and (f).

[558] *See* § 43.6(g).

[559] *See* amendments to § 43.4(d)(4).

[560] *See* §§ 43.4(h) and 43.6(c).

[561] The costs and benefits attendant to the time delay and development of an infrastructure for block trades and large notional off-facility swaps are discussed in Real-Time Public Reporting of Swap Transaction Data, 77 FR 1182, 1232, Jan. 9, 2012.

[562] *See,* the Core Principles and Other Requirements for Swap Execution Facilities notice of proposed rulemaking, 76 FR 1214 (Jan. 7, 2011).

[563] The Commission separately proposed rules to determine whether a swap is ''made available to trade'' for purposes of the trade execution requirement in CEA section 2(h)(8). Process for a Designated Contract Market or Swap Execution Facility To Make a Swap Available to Trade, 76 FR 77728 (proposed Dec. 14, 2011).

the Commission ''take into account whether the public disclosure will materially reduce market liquidity.'' The Commission has followed both directives. Accordingly, a central focus of the Commission's consideration of costs and benefits of this rulemaking is the interplay between the important benefits of enhanced swap transaction transparency that real-time public dissemination affords [564] and the potential that, in certain circumstances, transparency could reduce swap market liquidity. As evident by commenters' divergent opinions, the optimal point in this interplay, and how to set it, defies precision.[565] Given this fact, these rules reflect the Commission's reasoned judgment of how best to meaningfully effectuate real-time public reporting of swap transactions—and the transparency Congress intended—in a manner that takes into account the impact on market liquidity. Briefly, the Commission will use a 67% percent notional calculation to determine the threshold over which block trades and large notional off-facility swaps will be eligible for block trade treatment, meaning that most swaps will be reported in real-time.[566] At the same time, a phased implementation schedule assures that transparency is introduced incrementally, taking into account whether public disclosure will ''materially reduce market liquidity.'' For example, to cushion potential liquidity impact, the thresholds for swaps in the interest rate and credit assets classes will initially rest conservatively at 50 percent, thus allowing transactions above 50 percent of the notional amount to remain shielded from real-time public reporting, before transitioning to 67 percent in the post-initial period. While this departure from the proposal means that fewer swaps will be subject to real-time transparency during the initial period, it affords the Commission the opportunity to collect and analyze data on the use of block thresholds and to apply that data to its evaluation of the risks attendant to a less transparent market. Simultaneously introducing a conservative, 50 percent threshold also allows the Commission to assess whether there are material reductions in the liquidity for some swaps and take any measures to stave off those reductions, as the rules allow the Commission to review and refine the thresholds as liquidity and transparency needs may warrant in the future.[567]

B. The Statutory Mandate To Consider the Costs and Benefits of the Commission's Action: Section 15(a) of the CEA

Section 15(a) of the CEA [568] requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA or issuing certain orders. Section 15(a) further specifies that the costs and benefits shall be evaluated in light of the following five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the section 15(a) factors.

These amending rules become effective in—and their costs and benefits are considered relative to—the context of the conditions now in place under part 43. That is: all publicly reportable swap transactions are currently subject to a time delay and are not publicly reported in real-time.[569] [570] Unless otherwise indicated, the Commission has looked to a non-financial end-user that already has developed the technical capability and infrastructure necessary to comply with the requirements set forth in part 43 as a reference entity for estimating this rulemaking's direct costs under the assumption that the costs for this particular market participant would represent the maximum degree of compliance costs.[571] The Commission anticipates, however, that in many cases the actual costs to established market participants (including swap counterparties, SDRs and other registered entities) would be lower than for the reference entity—perhaps significantly so, depending on the type, flexibility, and scalability of systems already in place.

Wherever reasonably feasible, the Commission has endeavored to quantify the costs and benefits of this rulemaking. In a number of instances, the Commission lacks the data and information required to precisely estimate costs, owing to the fact that these markets do not yet exist or are not yet fully developed. The Commission requested that commenters provide any data or other information that would be useful in the estimation of the

[564] The benefits of public dissemination of swap transaction and pricing data are detailed in Real-Time Public Reporting of Swap Transaction Data, 77 FR at 1234. As the Commission explained in that release and reaffirms here, swap transaction reporting and public dissemination benefits market participants and the public in a number of respects. Among others discussed in that earlier release, and considered by reference herein, these include enhanced: price discovery, ability to manage risk as a result of improved visibility into swap market risk pricing, and improved swap market price competition. Additionally, the transparency afforded through public dissemination of swap transaction and pricing data ''will enhance the Commission's ability to detect anomalies in the market . . . and provide a check against a reoccurrence of the type of systemic risk build-up that occurred in 2008 when 'the market permitted enormous exposure to risk to grow out of the sight of regulators and other traders [and d]erivatives exposures that could not be readily quantified exacerbated panic and uncertainty about the true financial condition of other market participants, contributing to the freezing of credit markets.' '' *Id.* (quoting Congressional Research Service Report for Congress, The Dodd-Frank Wall Street Reform and Consumer Protection Act: Title VII, Derivatives, by Mark Jickling and Kathleen Ann Ruane (August 30, 2010).

[565] Indeed, CEA section 2(a)(13)(E)(iv), in simply requiring that the Commission ''take into account whether public disclosure will materially reduce market liquidity,'' does not require that the Commission attempt to determine the precise optimal relationship between transparency and liquidity or assure no liquidity loss.

[566] Using the Over-the-Counter Derivatives Supervisors Group (''ODSG'') data for interest rate swaps, the Commission notes that the 67 percent notional amount calculation would result in 94 percent of trades being reported in real-time. A discussion of the ODSG and the data set is set forth in section II.C.1 of this final rule.

[567] *See* § 43.6(f).

[568] 7 U.S.C. 19(a).

[569] *See* § 43.5(c).

[570] Currently, the part 43 requirements are not applicable to swaps in the other commodities asset class that reference underlying assets not included in Appendix B to Part 43. The Real-Time Reporting Rule provides notice that, until such time as the anonymity provisions of this final rule are finalized, those off-facility swaps not listed in appendix B to part 43 are not be required to comply with the real-time reporting and public dissemination requirements under part 43. However, such swaps are subject to the regulatory reporting requirements, described in proposed part 45. According to the BIS report *http://bis.org/publ/qtrpdf/r_qs1209.pdf*, commodities (as a whole and not just the subset identified above) only represent slightly more than one third of one percent (0.36%) of the notional amounts outstanding as a percentage of the global OTC derivatives market for the end of December 2011. For this small subset of other commodity swaps, the starting point for the purposes of the Commission's consideration of the costs and benefits is the same as the starting point for the Commission's consideration of costs and benefits of the Real-Time Reporting Rule. A detailed discussion of the Commission's consideration of those costs and benefits is contained in the Real-Time Reporting Rule. *See* 77 FR at 1232–1240.

[571] A non-financial end-user is a new market entrant with no prior swaps market participation or infrastructure. This reference point is different from the reference point(s) used in the PRA analysis in section V above for the following two reasons: (1) the burdens in the PRA are narrower than the costs discussed in this section (*i.e.,* the PRA analysis solely discusses costs relating to collections of information, whereas this cost-benefit analysis considers all costs relating to the proposed rules); and (2) as discussed above, the cost-benefit analysis determines costs relative to one market participant that presumably would bear the highest burdens in implementing the proposed rules, whereas the PRA analysis seeks to estimate the costs of the proposed rules on all market participants.

quantifiable costs and benefits of this rulemaking [572]; no commenters supplied such data or other information. Where it was not feasible to quantify (*e.g.,* because of the lack of accurate data or appropriate metrics), the Commission has considered the costs and benefits of these rules in qualitative terms.

For purposes of considering their costs and benefits, the Commission has organized these rules in three groups: (1) Block trade rules concerning the criteria for determining swap categories and the methodologies to be used to determine the initial and post-initial appropriate minimum block sizes for large notional off-facility swaps and block trades; (2) block trade rules concerning the method by which swap counterparties may elect to treat a qualifying swap transaction as a block trade or a large notional off-facility swap, as applicable, and SEFs and DCMs notify an SDR of a block trade election; and (3) rules concerning anonymity protections. Each group is discussed below.

C. Rules Establishing Determination Criteria and Methodology (§ 43.6(a)–(f) and (h))

Rules 43.6(a)–(f) and (h) specify the Commission's criteria for establishing swap categories and methodology for determining appropriate minimum block sizes. The subsections that follow provide a brief contextual summary description of the rules; identify and discuss the costs and benefits attributable to the rules in light of comments; consider alternatives; and consider costs and benefits relative to factors specified in CEA section 15(a).

1. Rule Summary

Rules 43.6(a)–(f) and (h) are described previously in this release.[573] A summary of each follows:

a. Rule 43.6(a) Commission Determination

Rule 43.6(a) provides that the Commission will determine the appropriate minimum block size for any swap on a SEF or DCM, and for large notional off-facility swaps. The rule also sets forth a schedule whereby the Commission will calculate and publish all appropriate minimum block sizes across all asset classes no less than once each calendar year, following an initial period (as described below).

b. Rule 43.6(b) Swap Category

Rule 43.6(b) specifies the Commission's approach for grouping swaps by asset class based on existing liquidity in underlying cash markets, relevant economic indicators, the underlying asset class, and the Commission's analysis of relevant swap market data supplied to the Commission.[574]

c. Rules 43.6(c)–(f) and (h) Methods for Determining Appropriate Minimum Block Sizes

Rules 43.6(c)–(f) and (h) prescribe a phased-in approach, with an initial period and a post-initial period for determining appropriate minimum block sizes for each swap category. Appendix F to part 43 contains a schedule of appropriate minimum block sizes effective during the initial period. The schedule reflects a different appropriate minimum block size methodology for the interest rate and credit asset classes than for the equity, FX and other commodity asset classes. The initial appropriate minimum block sizes for the interest rate and credit asset class are derived from data supplied by the ODSG.[575] As set forth in Appendix F to this Final Rule, the Commission is calculating the appropriate minimum block sizes in interest rate and credit asset classes based upon the 50-percent notional amount calculation set forth in § 43.6(c)(1) in the initial period.

Rule 43.6(d) states that swaps in the equity asset class shall not be treated as block trades or large notional off-facility swaps (*i.e.,* equity swaps would not be subject to a time delay as provided in part 43).

With respect to the FX and other commodity asset classes, the appropriate minimum block sizes for swaps during the initial period is divided primarily between swaps that are futures-related swaps and those that are not futures-related.[576] Appendix F to part 43 lists the proposed initial appropriate minimum block sizes for swap categories in the FX and other commodity asset classes. For swaps in the FX and other commodity asset classes that are not listed in appendix F to part 43, § 43.6(e)(2) generally provides that these swaps will be considered block trades or large notional off-facility swaps.

After an SDR has collected reliable data for a particular asset class, § 43.6(f)(1) provides that the Commission shall determine post-initial appropriate minimum block sizes for all swaps in the interest rate, credit, FX and other commodity asset classes based on the 67-percent notional amount calculation. The Commission is also adopting special rules for the determination of appropriate minimum block sizes that would apply to all asset classes, including rules applicable to swaps with optionality, swaps with composite reference prices, physical commodity swaps, currency conversion, and successor currencies.[577]

2. Overview of Comments Received

The Commission received numerous comments regarding the potential costs and benefits to market participants and the public in response to the rules establishing the criteria and methodology for determining block thresholds. Commenters were divided on whether the Commission properly considered costs or misstated or ignored the benefits of the rules. Some commenters touched on the cost benefit considerations directly by promoting various alternatives to the proposed rules.[578] Comments relating to the Commission's consideration of costs and benefits are discussed specifically in the sections below.

3. Costs

a. Direct Costs

Rules 43.6(a)–(f) and (h) will impose recurring costs on swap market participants and registered entities (i.e., SEFs, DCMs, or SDRs) to accommodate the Commission's publication of post-initial appropriate minimum block sizes at least once each calendar year following the initial period. In the Further Block Proposal, the Commission anticipated that in order for registered entities to comply with the rule, they would need to update their existing data systems and that process would entail approximately 40 initial, non-recurring personnel hours at an approximate cost of $2,728 for each registered entity.[579] This estimate included the potential number of burden hours required to

[572] Further Block Proposal Q93(a)–(e), 77 FR at 15507.

[573] *See* section II, *supra.*

[574] Data was supplied to the Commission by MarkitSERV and The Warehouse Trust Company LLC. The data is more fully described in Section II.A.1.a. of this release.

[575] A discussion of the ODSG and the data set is set forth in section II.C.1 of this final rule.

[576] As explained above in section II.C., the Commission believes that the difference in methodology for determining initial appropriate minimum block sizes for swaps in the FX and other commodity asset classes is warranted because: (1) Swaps in these asset classes are closely linked to futures markets; and (2) DCMs have experience in setting block sizes for futures.

[577] *See* proposed rule § 43.6(h).

[578] *E.g.,* CL–AII at 6; CL–SIFMA at 10; CL–WMBAA at 8; CL–CME at 2; CL–Vanguard at 3; CL–Morgan Stanley at 3; CL–ICAP Energy at 3; CL–Barnard at 1; CL–Freddie at 2; CL–Barclays at 10.

[579] The estimate is calculated as follows: (Senior Programmer at 20 hours) + (Systems Analyst at 20 hours). A senior programmer's adjusted hourly wage is $81.52. A systems analyst's adjusted hourly wage is $54.89. *See* note 521 *supra.*

make a one-time adjustment to internal procedures, reprogram systems and implement processes to segregate the data by swap categories and incorporate data on appropriate minimum block sizes as published by the Commission at least once each calendar year.

Market participants other than registered entities, and specifically non-financial end users, expectedly will need to train their existing personnel and update their written policies and procedures to comply with § 43.6(a)–(f) and (h). The Commission estimated that the training and updating of policies and procedures will impose an initial non-recurring burden of approximately 15 personnel hours at an approximate cost of $1,430 for each non-financial end-user.[580] This cost estimate included the number of potential burden hours required to produce and design training materials, conduct training with existing personnel, and revise and circulate written policies and procedures in compliance with the proposed requirements.

The Commission received one comment specifically addressing direct costs. WMBAA disagreed with the Further Block Proposal's projected cost estimates and contended that the Commission's approach ''is overly simplistic and does not contemplate the actual efforts a SEF will have to undertake to implement the block trade regime, including the two-step notification process, the technology upgrades, providing training to existing personnel and updating written policies and procedures, among other necessary actions to comply with the CFTC's proposed rule.'' [581]

Because WMBAA did not provide data to support or monetize its cost concern, the Commission has considered them qualitatively. Further, WMBAA's disagreement with the Further Block Proposal's cost estimates does not concern the incremental cost to augment and maintain systems and processes that the Commission believes entities need have in place to comply with the real time reporting requirement of Section 2(a)(13) of the CEA; rather it concerns the cost to comply with that statutory requirement as prescribed by the existing part 43 implementation regulations. SEFs and DCMs would incur these costs regardless of how the Commission determines block thresholds. Accordingly, the Commission considers WMBAA's criticism of the cost estimates in this rulemaking misplaced. Moreover, the Commission has intentionally structured the requirements of § 43.6(a) to mitigate these costs; this rule's approach seeks to leverage the existing connectivity, infrastructure and arrangements that market participants and registered entities will have already established to comply with the part 43 regulations.

The Commission did not find, nor was it provided, additional information that was sufficient to change the cost basis. Therefore, the Commission is maintaining the Further Block Proposal's approach to calculating the direct costs resulting from the methodology for determining block thresholds. However, the Commission is revising its estimates to reflect wage rate data updated since the Further Block Proposal was published. The Commission estimates that for registered entities to update existing technology as necessary will entail approximately 40 initial, non-recurring personnel hours at an approximate cost of $2,874 for each registered entity.[582] The Commission estimates that training for existing personnel and updating written policies and procedures will impose an initial non-recurring burden of approximately 15 personnel hours at an approximate cost of $1,456 for each non-financial end-user.[583]

b. Indirect Costs

The Commission received numerous comments regarding indirect costs that could result from the establishment of criteria and methodology for setting appropriate minimum block thresholds. The majority of these comments focused on the issue of market liquidity; and many of the comments provided alternatives for either lower notional amount calculation thresholds, and extended phase-in or restricting the asset classes to which thresholds would apply. Eleven commenters suggested that the 67 percent notional amount calculation set forth in proposed § 43.6(c)(1) would have a negative impact on market liquidity.[584]

SIFMA and AII asserted that the 67 percent notional amount calculation is under inclusive for most swap categories and that the Commission should start with low block sizes (or classify all swaps as block trades) until data can be accumulated.[585] Consequences of a high threshold, they maintain, would be reduced liquidity, fragmentation of trading, higher transaction costs and higher swap pricing costs to end users.[586] AII stated that high block sizes would permit front running of swap dealers' hedging activities.[587] SIFMA suggested that the Commission identify minimum liquidity thresholds for certain swaps in each swap category below which all swaps should be treated as blocks.[588] SIFMA stated that 67 percent is too high to prevent liquidity impact; that 20–33 percent of trades should be blocks; and that 50 percent is better than 67 percent.[589]

WMBAA advocated using a 50 percent or lower block level and that the Commission rely on more timely and complete data to avoid impairing liquidity.[590] CME asserted that 67 percent is arbitrary, has no relationship to the explicit goals of Dodd-Frank with respect to block trading of swaps, and would materially reduce market liquidity.[591]

Vanguard commented that block rules bringing transparency may ultimately increase liquidity, but an abrupt change could decrease liquidity.[592] Vanguard instead favored a lower, 25 percent initial notional calculation methodology or perhaps providing block treatment to all swaps for one-year before phasing in notional amount calculation thresholds, maintaining that a lack of data compromises the setting of blocks and risks a negative liquidity impact.[593] Vanguard further urged more swap category granularity by identifying discrete ''liquidity pools'', and asserted that the lack of a sufficient time delay would hamper liquidity providers' ability to enter into off-setting trades.[594]

[580] This estimate is calculated as follows: (Compliance Manager at 10 hours) + (Director of Compliance at 3 hours) + (Compliance Attorney at 2 hours) = 15 hours per non-financial end-user who is a reporting party. A compliance manager's adjusted hourly wage is $77.77. A director of compliance's hourly wage is $158.21. A compliance attorney's hourly wage is $89.43. *See* note 521 *supra.*

[581] CL–WMBAA at 8.

[582] The estimate is calculated as follows: (Senior Programmer at 20 hours) + (Systems Analyst at 20 hours). A senior programmer's adjusted hourly wage is $86.89. A systems analyst's adjusted hourly wage is $56.79. *See* note 521 *supra.*

[583] This estimate is calculated as follows: (Compliance Manager at 10 hours) + (Director of Compliance at 3 hours) + (Compliance Attorney at 2 hours) = 15 hours per non-financial end-user who is a reporting party. A compliance manager's adjusted hourly wage is $74.17. A director of compliance's hourly wage is $169.16. A compliance attorney's hourly wage is $103.18. *See* note 521 *supra.*

[584] CL–AII at 6; CL–SIFMA at 10; CL–WMBAA at 8; CL–CME at 2; CL–Vanguard at 3; CL–Morgan Stanley at 3; CL–ICAP Energy at 3; CL–Barnard at 1; CL–Freddie at 2; CL–Barclays at 10.

[585] CL–AII at 6; CL–SIFMA at 10.

[586] CL–AII at 6; CL–SIFMA at 10.

[587] CL–AII at 6.

[588] CL–SIFMA at 10.

[589] CL–SIFMA at 10.

[590] CL–WMBAA at 8.

[591] CL–CME at 2.

[592] CL–Vanguard at 3.

[593] CL–Vanguard at 3.

[594] CL–Vanguard at 3.

Morgan Stanley, AII, and CME all stated that the approach in the Further Block Proposal would sacrifice liquidity in the name of transparency in contravention of the statute.[595] Specifically, Morgan Stanley commented that the proposed rules would diminish liquidity because the market would know details of transactions that are about to take place; Morgan Stanley also provided examples of IRS swaps under the proposed threshold that might move the market and, without providing further support, stated that application of the 67 percent notional amount calculation in CDS would result in too few trades receiving treatment as blocks and reduce liquidity.[596] Morgan Stanley urged the Commission to lower block thresholds and apply them only to vanilla structures with standard maturities; Morgan Stanley further advocated for DCM/SEFs to set block sizes because they would maximize liquidity.[597]

ICAP and Barnard asserted that the Further Block Proposal fails to evaluate the effect of the block thresholds on liquidity.[598] ICAP stated that the Commission misconstrued the legislative intent of Dodd-Frank Act because the Further Block Proposal 1) proposes a ''results-oriented'' approach; 2) does not determine if the 67 percent methodology would minimize impact on market liquidity; and 3) establishes block size thresholds based on notional size rather than number of transactions.[599] In addition, ICAP stated that the Further Block Proposal failed to identify a ''market moving'' transaction for certain swaps, as intended by Congress and does not propose a methodology.[600] Freddie stated that, in the absence of data, minimum block sizes for Interest Rate swaps are too high and will materially reduce market liquidity.[601]

The Commission also received comments raising potential indirect costs besides market liquidity impact. Barclays stated that mandatory clearing and uncleared margin requirements may compound the costs of increased transparency created by high block trade thresholds.[602] SIFMA stated that the Commission's cost-benefit consideration is insufficient and incorrect in the context of mandatory execution under the proposed SEF rules.[603] SIFMA expressed the concern that ''liquidity seekers' [sic] could provide other market participants with the information needed to front run the successful dealer in the hedge market.''[604] SIFMA concluded that ''the Commission should implement lower block trade size thresholds to avoid significant decreases in liquidity or increases in bid-ask spreads.''[605]

Several commenters objected to the Commission's use of data in the Further Block Proposal. Five commenters[606] asserted that the Further Block Proposal fails to adequately consider costs and benefits and relies upon obsolete data. AII[607] stated that the Commission relies upon inadequate and outdated data, that the rules will impede competition and increase costs, and that the Commission should look to TRACE as a model for more deliberate disclosure implementation.

Vanguard[608] suggested phasing in the requirements because the new rules are a ''paradigm shift,'' and issuing final rules on block trades requires more data collection before implementation.

Several commenters suggest the Commission collect more and better data before setting block levels. They criticize not only the dearth of relevant data but how the Commission has interpolated the data through trimming mechanism. SIFMA suggests that all swaps should be treated as blocks for first year of compliance during which data is collected, then the Commission should take a conservative approach to establish and iteratively modify thresholds based on liquidity and bid-ask spread of swaps that near the established block size threshold.[609]

The Commission also received comments suggesting costs in terms of market liquidity or other factors in setting the appropriate minimum block thresholds too low (or benefits in setting the appropriate minimum block thresholds at 67 percent of notional or higher). Conversely, four commenters expressed support for the Further Block Proposal's 67 percent notional amount calculation methodology or suggested that a lower threshold would result in a decrease in liquidity.[610]

Specifically, Javelin stated that the Commission should set a higher block threshold than the 67 percent notional amount calculation ''where the market is protected from disruption and where greater transparency, competition and liquidity are ensured.''[611] SDMA commented that ''[t]oo low a block threshold and fewer trades will be executed on SEFs as little structural change in swaps execution occurs, increased competition fails to manifest itself and more diverse liquidity is impaired.''[612] AFR asserted that some drop in liquidity was assumed by Congress when it enacted the provision and that ''there is no authoritative study supporting the concept that immediate disclosure would distort prices because of market liquidity.''[613] Similarly, Better Markets argued that any information embargo should be eliminated, stating that ''there is no authoritative study validating the notion that market liquidity would be adversely affected if Block Trade data were fully disclosed.''[614] Better Markets also stated that the public benefits of swap data transparency under the Further Block Proposal greatly outweigh the private costs to the disclosing entities and to the swaps market participants; Better Markets argued that Congress' ultimate objective in the Dodd-Frank Act was to prevent another crisis and avert the massive costs it would inflict upon the public (including all market participants), and that the consideration of costs and benefits should focus on this overriding public interest.[615]

In response to comments advocating for a more gradual phase in of appropriate minimum block thresholds, the Commission is adopting rules establishing a more conservative 50 percent notional amount calculation for determining block thresholds in the Interest Rate Swap and Credit Default Swap categories during the initial period. This will allow for a more gradual phase-in of the 67 percent notional amount calculation for determining block thresholds in the post-initial period than what was proposed. The block trade methodology that will be implemented by the Commission also allows minimum appropriate block trade amounts to change periodically in response to the new data collected in the market.

The Commission believes that this implements the congressional directive

[595] CL–Morgan Stanley at 3; CL–AII at 6; CL–CME at 2.

[596] CL–Morgan Stanley at 3.

[597] CL–Morgan Stanley at 3.

[598] CL–ICAP Energy at 3; CL–Barnard at 1.

[599] CL–ICAP Energy at 3.

[600] CL–ICAP at Energy at 3.

[601] CL–Freddie at 2.

[602] CL–Barclays at 10.

[603] CL–SIFMA at 4.

[604] CL–SIFMA at 4.

[605] CL–SIFMA at 4.

[606] CL–Vanguard at 3; CL–ISDA/SIFMA at 11–13; CL–SIFMA at 10; CL–WMBAA at 8; and CL–AII at 6.

[607] CL–AII at 6.

[608] CL–Vanguard at 3.

[609] CL–SIFMA at 4.

[610] CL–ODEX at 2; CL–SDMA at 3–6; CL–Javelin at 4–6; CL–Arbor at 1.

[611] CL–Javelin at 2.

[612] CL–SDMA at 1.

[613] CL–AFR at 4.

[614] CL–Better Markets at 4.

[615] CL–Better Markets at 4.

for transparency while accounting for possible material reductions in liquidity through the phasing-in of real-time reporting of a portion of the swaps market. In contrast, SIFMA's suggestion of treating all swaps as blocks while the Commission collects data inverts the public policy rationale underlying congressional requirements for transparency through real-time public reporting. The most useful data for determining at what levels blocks would be appropriate is data collected for swaps reported in real-time when market participants have the ability to execute block trades above minimum block thresholds. Data collected prior to the point where real-time reporting and block levels are functioning together is useful (and has been used by the Commission in fashioning block thresholds in the initial period for swaps in the interest rate and credit asset classes), but provides an incomplete picture absent implementation of the real-time reporting regime. The Commission's 67 percent notional amount calculation in the post-initial period is designed to adjust appropriate minimum block levels once this data becomes available.

Notwithstanding the fact that the commenters did not provide data to support or monetize their cost concerns, the Commission has considered their qualitative comments regarding the potential costs that the Commission's appropriate minimum block threshold methodology may have on market liquidity.

The Commission agrees with Vanguard that transparency ultimately promotes increased market liquidity. Transparency afforded through the publication of swap transaction and pricing data is likely to attract more market participants to the market place, thereby increasing market liquidity depth. However, the Commission also understands the tension between achieving greater swap transaction transparency and liquidity: required reporting of large transactions without a time delay (*i.e.,* as soon as technologically practicable) presents potential for downside cost to certain market participants, most particularly market makers providing liquidity. The immediate reporting of swaps that approach, but fall shy of the appropriate minimum block size threshold, may in certain circumstances increase the difficulty, and thus cost, for liquidity providers to lay off attendant price risks in the market. As the commenters suggest, market makers ultimately could pass these costs on to their end-user clients.

Recognizing the potential for such indirect costs, the Commission believes it has designed the criteria and methodology outlined in the rule in a manner that strikes an appropriate balance between the importance of price discovery and transparency, and concerns about potential costs to market participants. By establishing a 67 percent notional amount calculation for appropriate minimum block thresholds in the post initial period, the Commission will bring transparency through real-time reporting to the vast majority of transactions in the swap market.

The Commission believes that the phase-in approach provides swap market participants with adequate time to incrementally adjust their trading practices, technology infrastructure and business arrangements to comply with the new block trade regime. As a result, the rule's approach promotes liquidity since the Commission believes that a transparent market with improved pre-trade price transparency is likely to attract customers. The Commission expects that indirect costs described above will be mitigated through improved price discovery and a decrease in the cost of hedging practices for end users due to improved transparency and competition in the marketplace.

The Commission also considered the potential that different swaps and futures block criteria and methodology might competitively disadvantage SEFs to the extent certain market participants consider swaps and futures products competitive substitutes; thus, in turn, frustrating public interests that Congress, in authorizing SEFs in the Dodd-Frank Act, intended to further. For several reasons, the Commission does not believe this will occur. First, as discussed in the SEF Rulemaking, the Commission has provided SEFs with various functionalities designed to provide flexibility that will promote the trading of swaps on SEFs.[616] Second, by using futures block thresholds as a reference for initially setting the criteria for economically related swaps, the rule, at a minimum, substantially mitigates any such theoretical costs. Further, the Commission has, and will use, corrective tools if experience in these newly-regulated markets indicates potential for differences in swaps and futures block criteria and methodology to harm market users through hindered product competition. These tools include periodical recalibration of swap criteria as anticipated under this rule as well as the Commission's ability to exercise its legal authority to take action by rule or order to mitigate any potential harm due to hindered competition.[617]

4. Benefits

The Commission believes that § 43.6(a)–(f) and (h) will generate several overarching benefits to swap market participants, registered entities and the general public. Most notably, the Commission expects that the criteria and methodologies for setting appropriate minimum block sizes will provide greater price transparency for a substantial portion of swap transactions in a manner carefully calibrated to preserve and promote swaps market liquidity. More specifically, the regulations will provide price transparency by lifting the current part 43 real-time reporting time delay[618] in a measured manner for swap transactions with notional values under specified threshold levels.

At the same time, the Commission's criteria and methodology—including carefully crafted block trade and large-notional off-facility swap categories—are designed to retain time-delay status for those high-notional-value transactions, where doing otherwise could negatively impact market liquidity. In addition to avoiding potential negative market liquidity impact associated with transactions that remain eligible for a reporting time-delay, the Commission also expects the liquidity in the market to increase since a more transparent market is likely to attract more customers. The Commission expects improved transparency and liquidity to have a positive effect on the prices market participants will pay for their swaps as

[616] *See,* the Core Principles and Other Requirements for Swap Execution Facilities notice of proposed rulemaking, 76 FR 1214 (Jan. 7, 2011), for details of functionalities that provide flexibility to promote trading of swaps on SEFs.

[617] Historically (and under a rule proposed in a pending rulemaking concerning Core Principle 9 for Designated Contract Markets (''DCMs'')), DCMs have discretion to set minimum block thresholds for futures trading, the Dodd-Frank Act amended the CEA to require that the Commission specify criteria to determine swap block trades without imposing an equivalent requirement for Commission specification of futures block criteria. *See* Core Principles and Other Requirements for Designated Contract Markets, 75 FR 80572, 80616–17 (Dec. 22, 2010) (Notice of Proposed Rulemaking; proposed § 38.503(a) would require that a board of trade that permits block trade transactions on futures contracts have rules governing such transactions, including rules limiting block trades to large transactions and imposing minimum size requirements, and that block trade size be certified or approved by the Commission); Core Principles and Other Requirements for Designated Contract Markets, 77 FR 36612, 36643 (Final Rule; announces Commission intent to take additional time to consider the proposed rules for block transactions and other aspects of proposed rules under Core Principle 9).

[618] *See* 77 FR 1240.

well as to cause a decrease in the cost of hedging due to improved transparency and competition in the market. The Commission also expects that lower hedging costs and improved transparency will reduce systemic risk potential. A swaps market that is transparent to regulators and the public in real-time, without the interim delays for all transactions imposed in Part 43, provides for a system that will assist the Commission's oversight ability. Finally, the Commission believes that this added transparency will ultimately strengthen the swaps market by affording academics, the media, public and market participants the opportunity to monitor, study, and analyze these previously opaque segments of the economy.

The rules' phased-in implementation will introduce greater transparency in an incremental, measured and flexible manner so that appropriate minimum block sizes can respond to changing markets. Section 43.6(f)(2) permits the Commission to set appropriate minimum block sizes no less than once annually during the post-initial period. If swap market conditions were to change significantly after the implementation of the provisions of this final rule, there is nothing that prevents the Commission from reacting to take action further improving price transparency or mitigating adverse effects on market liquidity. In an effort to add more flexibility to respond to continuing swaps market evolution, the methodology in § 43.6(c)–(f) and (h) will recalibrate appropriate minimum block sizes regularly to ensure that those sizes remain appropriate for, and responsive to, these changing markets.

5. Alternatives

The Commission considered alternatives to the determination criteria and methodology adopted in this rulemaking. The chief alternatives raised by commenters or otherwise considered by the Commission concerned three topics—Commission's determination of minimum block sizes, swap categories, and block methodology—as discussed below.

a. Commission Determination of Minimum Block Sizes

Under § 43.6(a) the Commission will determine minimum block sizes; this approach limits the direct burden on market participants and registered entities relative to an alternative that would require them to engage a quantitative analysis to ascertain appropriate minimum block sizes for themselves. Such an alternative approach is inconsistent with the statutory requirement of CEA section 2(a)(13)(E)(ii) that the Commission ''specify the criteria for determining what constitutes a large notional swap transaction (block trade) for particular markets and contracts.'' [619]

b. Swap Category Alternatives

Commenters [620] noted what they described as a lack of granularity in the Commission's choice of swaps categories, which they cautioned would result in the grouping of liquid swaps together with illiquid swaps in the same swap category. Vanguard [621] suggested a more granular approach to setting swap categories and block sizes according to ''distinct liquidity pools.'' ISDA/SIFMA [622] suggested subjecting a swap to block thresholds as long as the swap has sufficient trading frequency and trades in such volume that allows full hedging in a short period of time and also prevents widening of the spread as a result of public reporting. In support of such a test, the comment cited research and data to suggest that disclosure does not necessarily lead to increased transparency and swaps with varying levels of liquidity will be subject to the same block size. Many commenters expressed that the Commission's determination of swap categories would result in block levels that are insufficiently granular to account for differences between swap asset classes and within swap categories, including the differences in transaction frequency and volume.[623] Some commenters suggested that all infrequently traded swaps, under a specified level, should be treated as block trades.[624] The various swap category alternatives suggested by commenters are more fully discussed and considered in Sections II.A.1–5 of this final rule.

The Commission believes that its approach of establishing specific criteria for grouping swaps into a finite set of defined swap categories is preferable to the alternatives noted; it provides (1) appropriate granularity that mitigates the potential for like risks to trade differently; and (2) a clear organizational framework that avoids administrative burdens for market participants that otherwise could arise from more numerous and/or non-uniform swap categories. The Commission made use of swaps market data, as well as market convention, in making its determination of how best to form swap categories and asset classes as well as buckets within each asset class. Ultimately, the Commission determined that that the best approach was to allow for products with similar characteristics and risk structures to be grouped together, given that in certain circumstances market participants view similar financial products as close substitutes and use them as such for risk mitigating purposes. The Commission has fashioned its swaps categories to, where possible, group together swaps that could be used to hedge the same risk or otherwise establish an equivalent position.

Grouping economically-substitutable swaps together makes the setting of appropriate minimum block sizes on an individual product basis unnecessary and potentially dangerous in that it would allow for like risks to trade differently.

c. Block Methodology Alternatives

The Commission also considered various alternatives to its proposed methodologies for determining appropriate minimum block thresholds in both the initial and the post initial periods. As discussed more fully in Section II.B., the Commission received various comments suggesting alternatives to the phased-in approach contained in the Further Block Proposal. Many commenters compared the 67 percent notional amount calculation to a 50 percent notional amount calculation, as specifically requested by the Commission in Question 33 of the Further Block Proposal. Twelve commenters preferred the 67 percent notional amount calculation to a 50 percent notional amount calculation; whereas, nine commenters preferred the 50 percent notional amount calculation to the 67 percent notional amount calculation. ODEX, RJ O'Brien, and Spring Trading expressed support for the 67 percent notional amount calculation, but also suggested that a higher notional amount calculation would be preferable, particularly in the post-initial period.[625] AFR, Better Markets, Javelin, and SDMA all recommended a 75 percent or higher notional amount calculation and a market depth and market breadth test.[626]

[619] *See also* 111 Cong. Rec. S. 5921 (daily ed., July 15, 2010) (Statement of Sen Lincoln) (the regulators are given authority to establish what constitutes a 'block trade' or 'large notional' swap transaction for particular contracts as well as appropriate time delay in reporting transactions to the public'').

[620] CL–Vanguard at 7; CL–ISDA/SIFMA at 14; CL–SIFMA at 10; and CL–Better Markets at 4.

[621] CL–Vanguard at 7.

[622] CL–ISDA/SIFMA at 14; and CL–SIFMA at 10.

[623] CL–ISDA/SIFMA at 14; CL–Vanguard at 7.

[624] CL–ISDA/SIFMA at 14.

[625] CL–ODEX at 1; CL–RJ O'Brien at 1.

[626] CL–AFR at 8–9; CL–Better Markets at 7–8; CL–Javelin at 2; CL–SDMA at 2.

Nine commenters preferred the 50 percent notional amount calculation to the 67 percent notional amount calculation.

Freddie Mac and ICI expressly supported a 50 percent notional amount calculation.[627] Pierpont and WMBAA recommended a notional amount calculation of no greater than 50 percent.[628] ICAP Energy and SIFMA recommended a notional amount calculation below 50 percent, but preferred a 50 percent notional amount calculation to a 67 percent notional amount calculation.[629] AII and ICAP recommended not using a notional amount calculation at all, but preferred a 50 percent notional amount calculation to a 67 percent notional amount calculation.[630]

AII recommended lowering or eliminating block thresholds until complete data has been reported to SDRs so as not to impair market liquidity.[631] Barclays recommended introducing block levels that allow for empirical analysis of the transaction data and sequentially increasing block sizes until such point as the desired equilibrium between transparency and liquidity is reached.[632] Better Markets suggested transitioning to a market depth/market breadth test after the Commission has collected a year of SDR data.[633]

The Commission also specifically requested comments regarding other potential methods for determining appropriate minimum block thresholds.[634] While numerous comments addressed the efficacy of a notional amount calculation and the appropriate percentage to use in making such a calculation, the comments reveal only one significant alternative methodology to calculating relevant initial and post-initial minimum block thresholds in place of a notional amount calculation: block thresholds based on market depth and market breadth.[635] The Commission received a number of comments regarding whether the Commission should use either market depth or market breadth criteria, instead of the 67-percent notional amount calculation methodology, to calculate the relevant initial minimum block sizes and the post-initial minimum block sizes.[636] Many commenters expressed support for adopting the market depth test[637] and other commenters additionally supported utilizing the market breadth test.[638]

As discussed more fully in Section II.B., for the initial period the Commission is adopting the 50 percent notional amount calculation to determine appropriate minimum block sizes in the interest rate and credit asset classes. This approach provides for a more gradual phase-in of minimum block sizes, as recommended by numerous commenters. The Commission believes that the phase-in approach should provide swap market participants with an adequate amount of time to incrementally adjust their trading practices, technology infrastructure and business arrangements to comply with the new block trade regime.

For the post-initial period, the Commission is adopting § 43.6(f)(1) as proposed. The 67-percent notional amount calculation means that, within a swap category, approximately two-thirds of the sum total of all notional amounts will be reported on a real-time basis. This approach will afford market participants a timely view of a substantial portion of swap transaction and pricing data to assist them in determining the competitive price for swaps within a relevant swap category. The Commission anticipates that this enhanced price transparency will encourage market participants to provide liquidity (*e.g.,* through the posting of bids and offers), particularly when transaction prices move away from the competitive price. The Commission also anticipates that enhanced price transparency thereby will improve market integrity and price discovery, while also reducing information asymmetries enjoyed by market makers in predominately opaque swap markets.[639]

In the Commission's view, using the 67-percent notional amount calculation also would minimize the potential impact of real-time public reporting on liquidity risk compared to other alternatives. The 67 percent notional amount calculation represents a middle ground between the many commenters who supported higher block thresholds and the many commenters who preferred much more conservative thresholds. The Commission believes that its methodology, in conjunction with the 50-percent notional amount calculation during the initial period, represents a tailored and incremental approach for achieving the goal of ''a vast majority'' of swap transactions becoming subject to real-time public reporting.[640]

As noted above, CEA section 2(a)(13)(E)(iv) directs the Commission to take into account whether the public disclosure of swap transaction and pricing data ''will materially reduce market liquidity.''[641] If market participants reach the conclusion that the Commission has set appropriate minimum block sizes for a specific swap category in a way that will materially reduce market liquidity, then those participants are encouraged to submit data to support their conclusion. In addition, the Commission will conduct its own surveillance of swaps market

[627] CL–Freddie at 2; CL–ICI at 6–7.

[628] CL–Pierpont at 3; CL–WMBAA at 3.

[629] CL–ICAP Energy at 3; CL–SIFMA at 10.

[630] CL–AII at 6; CL–ICAP Energy at 4.

[631] CL–AII at 6.

[632] CL–Barclays at 11.

[633] CL–Better Markets at 9–10.

[634] *See* Further Block Proposal, Q32–54.

[635] *See* Note 262 for an in depth description of the market depth and market breadth test.

[636] Market depth and market breadth was proposed to be calculated as follows: (step 1) Identify swap contracts with pre-trade price transparency within a swap category; (step 2) calculate the total executed notional volumes for each swap contract in the set from step 1 and calculate the sum total for the swap category over the look back period of one year; (step 3) collect a market depth snapshot of all of the bids and offers once each minute for the pre-trade price transparency set of contracts identified in step 1; (step 4) identify the four 30-minute periods that contain the highest amount of executed notional volume each day for each contract of the pre-trade price transparency set identified in step 1 and retain 120 observations related to each 30-minute period for each day of the look-back period; (step 5) determine the average bid-ask spread over the look-back period of one year by averaging the spreads observed between the largest bid and executed offer for all the observations identified in step 3; (step 6) for each of the 120 observations retained in step 4, calculate the sum of the notional amount of all orders collected from step 3 that fall within a range, calculate the average of all of these observations for the look-back period and divide by two; (step 7) to determine the trimmed market depth, calculate the sum of the market depth determined in step 6 for all swap contracts within a swap category; (step 8) to determine the average trimmed market depth, use the executed notional volumes determined in step 2 and calculate a notional volume weighted average of the notional amounts determined in step 6; (step 9) using the calculations in steps 7 and 8, calculate the market breadth based on the following formula: market breadth = averaged trimmed market depth + (trimmed market depth − average trimmed market depth) × .75; (step 10) set the appropriate minimum block size equal to the lesser of the values from steps 8 and 9. 77 FR 15482.

[637] CME–CL at 2; ODEX–CLetter at 2; Spring Trading-CL at 2; MFA–CL at 7; FIA–CL at 2.

[638] Arbor-CL at 1; AFR–CL at 8–9; Jeffries-CL at 2; SDMA–CL at 3–6; Javelin-CL at 4–6; RJ O'Brien-CL at 1; Better Markets-CL at 9–10; CRT–CL at 2; FIA–CL at 2.

[639] The proposed calculation stands in contrast to another alternative—the proposed 95th percentile-based distribution test set out in the Initial Proposal. *See* the discussion in section I.B. of the Further Block Proposal. No commenters suggested or supported the distribution test in response to the Further Block Proposal.

[640] The ''guiding principle in setting appropriate block trade levels [is that] the vast majority of swap transactions should be exposed to the public market through exchange trading.'' Congressional Record—Senate, S5902, S5922 (July 15, 2010). As discussed above, this phased-in approach seeks to improve transparency while not having a negative impact on market liquidity.

[641] 7 U.S.C. 2(a)(13)(E)(iv).

activity and how block sizes affect market liquidity in each of the specified swap categories.[642] In response to either a submission or its own surveillance of swaps market activity the Commission may exercise its legal authority to take action by rule or order to mitigate the potential effects on market liquidity with respect to swaps in a particular swap category.

The Commission acknowledges that the market depth and market breadth test is a viable alternative to the notional amount calculation methodology. However, it has several prerequisite conditions that complicate the ability to implement it. For example, the Commission would need to determine which contracts within a swap category offer pre-trade price transparency—electronically displayed and executable bids and offers as well as displayed available volumes for execution. As noted by commenters, adequate market trading data also must be available to collect a market depth snapshot of all of the bids and offers for the pre-trade price transparency set of applicable contracts. The Commission is also cognizant of MFA's concerns regarding the potential for manipulation of market depth. Given the time needed for trading infrastructure to develop and the significant time and cost considerations involved in collecting such data from SEFs and DCMs, the Commission deems it unfeasible to implement at this time; the Commission will continue to examine the merits of doing so in the future.

6. CEA Section 15(a) Factors

a. Protection of Market Participants and the Public

The Commission believes that the criteria and methodology in § 43.6(a)–(f) and (h) will protect swap market participants by extending the delay for reporting for publicly reportable swap transactions, as appropriate, while also accommodating the market participant and public interest with enhanced transparency. By setting appropriate minimum block sizes in a thoughtful and measured manner as contemplated in the final rule, the Commission believes that it has properly balanced the tradeoff between transparency and liquidity interests. As a result, swap market participants will retain a means to offset risk exposures related to their swap transactions at competitive prices. In addition, the phased-in implementation scheme outlined in this rulemaking will introduce greater transparency in an incremental, measured and flexible manner so that appropriate minimum block sizes are responsive to changing markets. Specifically, the Commission expects that the availability of real-time pricing information for carefully enumerated categories of swap transactions will draw increased swap market liquidity through the competitive appeal of improved pricing efficiency that greater transparency affords. More liquid, competitive swap markets, in turn, allow businesses to offset costs more efficiently than in completely opaque markets, thus serving the interests of both market participants and the public who should benefit through lower costs of goods and services.

Another benefit of increasing swaps market transparency to regulators and the public in real-time, without the interim delays for all transactions imposed in Part 43, is better protection of market participants and the public by improving the Commission's oversight ability and by giving academics, the media, public and market participants the opportunity to monitor, study, and analyze these previously opaque segments of the economy.

b. Efficiency, Competitiveness and Financial Integrity of Markets[643]

The criteria and methodology set out in the rules will promote market efficiency, competitiveness and financial integrity of markets in several ways. The Commission acknowledges that because responsibility for specifying swap categories and determining appropriate minimum block sizes is with the Commission rather than registered entities, the administrative burden on swap market participants is minimized. Further, the rules afford flexibility to respond to continuing swaps market evolution, including but not limited to changing industry practices and activities that the Commission foresees occurring as market participants comply with regulations, including part 43, implementing the Dodd-Frank Act regulatory regime. More specifically, the methodology in § 43.6(c)–(f) and (h) will recalibrate appropriate minimum block sizes regularly to ensure that those sizes remain appropriate for, and responsive to, these changing markets. This ability, coupled with the potential for the Commission to adjust futures block requirements in pending and future rulemakings (among other tools) also helps assure that competitive implications that could arise between substitutable swaps and futures as markets evolve are appropriately addressed. The Commission believes that the rules will introduce increased market transparency for swaps in a careful, measured manner that the Commission believes will optimize the balance between liquidity and transparency concerns.[644]

c. Price Discovery

The criteria and methodology set out in the rules will enhance swap market price discovery by eliminating, to the extent appropriate, the time delays for the real-time public reporting. The methodology of this final rule will ensure that an SDR will be able to publicly disseminate data for certain swaps as soon as technologically practicable and the majority of the transactions in the market will be visible to traders as well as the public. Since the majority of trades will be published and visible in real-time, reported prices are likely to be better indicators of competitive pricing. As such, the rules promote improved price discovery.

[642] The Commission received two comments supporting the Commission's authority to set appropriate minimum block sizes outside of the proposed annual look-back period. MFA argued that the Commission's goal to balance transparency and liquidity would be better achieved with the flexibility to adjust minimum block sizes quickly to respond to material market changes. MFA recommended that the Commission should have the authority to update post-initial minimum block sizes in extraordinary circumstances and on a case-by-case basis, based on SDR data that it receives for individual or across multiple swap categories. GFMA stated that if the Commission establishes a notional calculation test, then it should ensure that it has sufficient flexibility to amend minimum block sizes. GFMA recommended that the Commission should be able to ''swiftly alter'' block trade levels to enable some trading to be conducted in a newly illiquid market, without the benefit of reference to a data set. The Commission notes that § 43.6(f)(1) provides that the Commission shall update post-initial appropriate minimum block levels ''[n]o less than once each calendar year.'' Accordingly, the Commission notes that it has the ability to adjust post-initial minimum block sizes under the types of extraordinary circumstances raised by commenters.

[643] The Commission sees no potential impact to the financial integrity of futures markets from the criteria and methodology in its consideration of section 15(a)(2)(B) of the CEA. Although by its terms, section 15(a)(2)(B) applies to futures, the Commission finds this factor useful in analyzing the costs and benefits of swaps regulation, as well.

[644] As noted above, under part 43 of the Commission's regulations (as now promulgated in the Real-Time Reporting Final Rule), all publicly reportable swap transactions are subject to a time delay pending further amending regulation to establish the criteria and methodology to distinguish block trades and large notional off-facility swaps from those swaps that do not meet those definitions. *See* 77 FR 1217. As a result, SDRs as of now are not required to publicly disseminate publicly reportable swap transactions as soon as technologically practicable.

d. Sound Risk Management Practices

As discussed above, the Commission believes that the criteria and methodology set forth in the rules will enhance price discovery since SDRs will publicly disseminate price and other data relevant to valuation as soon as technologically practicable for the swaps for which the time-delay is lifted. This better and more accurate data will enable swap market participants, generally, to better measure risk. An ability to better manage risk at an entity level should translate to improved market participant risk management generally. Improved risk measurement and management potential, in turn, mitigates the risk of another financial crisis by better equipping market participants to value their swap contracts and other assets during times of market instability.

e. Other Public Interest Considerations

The Commission believes that the criteria and methodology in § 43.6(a)–(f) and (h) will allow the majority of swap transactions and prices to be publicly disseminated, giving academics, the media, public and market participants the opportunity to monitor, study, and analyze these previously opaque segments of the economy. This would allow the public to be better informed about swaps markets and analyze publicly available market data disseminated in real-time.

D. Cost-Benefit Considerations Relevant to the Block Trade/Large Notional Off-Facility Swap Election Process (§ 43.6(g))

Section 43.6(g) specifies the process for a market participant to elect that a swap transaction be treated as a block trade or large notional off-facility swap (''the election process''). Section 43.6(g)(1) establishes a two-step notification process relating to block trades. Section 43.6(g)(2) establishes the notification process relating to large notional off-facility swaps.

Section 43.6(g)(1)(i) sets out the first step in the block trade notification process: parties to a swap executed at or above the appropriate minimum block size for the applicable swap category are required to notify the SEF or DCM, as applicable, of their election to have their qualifying swap transaction treated as a block trade. Section 43.6(g)(1)(ii) sets out the second step: the SEF or DCM, as applicable, that receives an election notification is required to notify an SDR of a block trade election when transmitting swap transaction and pricing data to such SDR for public dissemination. The Commission expects SEFs and DCMs to use automated, electronic—and in some cases voice—processes to execute swap transactions; the transmission of the notification of a block trade election, which may occur separately from the execution process, also will be either automated, electronic or communicated through voice processes.

Section 43.6(g)(1)(ii) sets out the second step: the SEF or DCM, as applicable, that receives an election notification is required to notify an SDR of a block trade election when transmitting swap transaction and pricing data to such SDR for public dissemination.

1. Costs Relevant to the Election Process (§ 43.6(g))

Non-financial end-users who are reporting parties, as well as SEFs, DCMs, and SDRs will likely bear the costs of complying with the election process in § 43.6(g). To comply with the real-time reporting requirements of part 43 already in place, these entities will have already invested in technology and personnel as well as established programs for continued systems maintenance, support and compliance; the Commission has previously described and considered these costs in the Real-Time Reporting Final Rule.[645] The Commission specifically designed the election process so that non-financial end-users, SEFs, DCMs, and SDRs would be able to leverage any investments made for compliance with part 43 to also comply with § 43.6(g). Accordingly, the Commission expects non-financial end-users, SEFs, DCMs and SDRs to have the following direct, quantifiable costs: (a) An incremental, non-recurring expenditure to update existing technology to comply with § 43.6(g); (b) an incremental non-recurring expenditure for training existing personnel and updating written policies and procedures for compliance with amendments to part 43; (c) incremental recurring expenses associated with compliance, maintenance and operational support in connection with the election process; and (d) additional incremental, non-recurring expenditures to update existing technology exclusive to SDRs. SDRs also would have incremental, non-recurring expenditures to update existing technology.[646] The Commission also recognizes that the election process in § 43.6(g) is voluntary and that eligible entities would not elect block trade treatment for a swap transaction in circumstances in which they did not perceive a net benefit in doing so. In the paragraphs that follow, the Commission discusses each of these costs.

a. Incremental, Non-Recurring Expenditure to a Non-Financial End-User, SEF or DCM to Update Existing Technology[647]

To comply with the election process in § 43.6(g), a non-financial end-user, SEF, or DCM likely would need to: (1) Update its Order Management System (''OMS'') to capture the election to treat a qualifying publicly reportable swap transaction as a block trade or large notional off-facility swap. In the Further Block Proposal, the Commission

[645] *See* 77 FR 1237. As noted in the Real-Time Reporting Final Rule, non-financial end-users (that do not contract with a third party) will have initial costs consisting of: (i) Developing an internal order management system capable of capturing all relevant data ($26,689 per non-financial end-user) and a recurring annual burden of ($27,943 per non-financial end-user); (ii) establishing connectivity with an SDR that accepts data ($12,824 per non-financial end-user); (iii) developing written policies and procedures to ensure compliance with part 43 ($14,793 per non-financial end-user); and (iv) compliance with error correction procedures ($2,063 per non-financial end-user). *See id.* With respect to recurring costs, a non-financial end-user will have: (i) Recurring costs for compliance, maintenance and operational support ($13,747 per non-financial end-user); (ii) recurring costs to maintain connectivity to an SDR ($100,000 per non-financial end-user); and (iii) recurring costs to maintain systems for purposes of reporting errors or omissions ($1,366 per non-financial end user). *See id.*

SDRs (that do not enter into contracts with a third party) would have incremental costs related to compliance with part 43 beyond those costs identified in the release adopting part 49 of the Commission's regulations. *See* Swap Data Repositories: Registration Standards, Duties and Core Principles, 76 FR 54538 (Sept. 1, 2011). In the Real-Time Reporting Final Rule, the Commission stated that each SDR would have: (i) A recurring burden of approximately $856,666 and an annual burden of $666,666 for system maintenance per SDR; (ii) non-recurring costs to publicly disseminate ($601,003 per SDR); and (iii) recurring cots to publicly disseminate ($360,602 per SDR). *See id.*

In the Real-Time Reporting Final Rule, the Commission assumed that SEFs and DCMs will experience the same or lower costs as a non-financial end-user. *See id.*

[646] SDRs that do not enter into contracts with a third party would have incremental costs related to compliance with part 43 of the Commission's regulations beyond those cost identified in the release adopting part 49 of the Commission's regulations. *See* Swap Data Repositories: Registration Standards, Duties and Core Principles, 76 FR 54538 (Sept. 1, 2011). In the Real-Time Reporting Final Rule, the Commission stated that each SDR would have: (1) A recurring burden of approximately $856,666 and an annual burden of $666,666 for system maintenance per SDR; (2) non-recurring costs to publicly disseminate ($601,003 per SDR); and (3) recurring costs to publicly disseminate ($360,602 per SDR). *See id.*

[647] For the same reasons stated in the Real-Time Reporting Final Rule, the Commission assumes that SEFs and DCMs would experience the same or less costs as a non-financial end-user. *See* 77 FR 1236. Under § 43.6(g)(1), SEFs or DCMs would be required to transmit a block trade election to an SDR only when the SEF or DCM receives notice of a block trade election from a reporting party.

estimated that updating an OMS system to permit notification to an SDR of a block trade or large notional off-facility swap election would impose an initial non-recurring burden of approximately 80 personnel hours at an approximate cost of $6,761 for each non-financial end-user, SEF or DCM.[648] This cost estimate included an estimate of the number of potential burden hours required to amend internal procedures, reprogram systems and implement processes to permit a non-financial end-user to elect to treat their qualifying swap transaction as a block trade or large notional off-facility swap in compliance with the requirements set forth in § 43.6(g). The Commission is revising its estimates based on updated wage rate data. The Commission estimates that updating an OMS system to permit notification to an SDR of a block trade or large notional off-facility swap election would impose an initial non-recurring burden of approximately 80 personnel hours at an approximate cost of $7,171 for each non-financial end-user, SEF or DCM.[649]

b. Incremental, Non-Recurring Expenditure to a Non-Financial End-User to Provide Training To Existing Personnel and Update Written Policies and Procedures

To comply with the election process in § 43.6(g), a non-financial end-user likely would need to provide training to its existing personnel and update its written policies and procedures to account for this new process. In the Further Block Proposal, the Commission estimated that providing training to existing personnel and updating written policies and procedures would impose an initial non-recurring burden of approximately 39 personnel hours at an approximate cost of $3,200 for each non-financial end-user.[650] This cost estimate included the number of potential burden hours required to produce design training materials, conduct training with existing personnel, and revise and circulate written policies and procedures in compliance with the requirements set forth in § 43.6(g). The Commission is revising its estimates based on updated wage rate data. The Commission estimates that providing training to existing personnel and updating written policies and procedures would impose an initial non-recurring burden of approximately 39 personnel hours at an approximate cost of $3,360 for each non-financial end-user.[651]

c. Incremental, Recurring Expenses to a Non-Financial End-User, DCM or SEF Associated With Incremental Compliance, Maintenance and Operational Support in Connection With the Election Process

A non-financial end-user, DCM or SEF likely would incur costs on an annual basis in order to comply with the election process in § 43.6(g). In the Further Block Proposal, the Commission estimated that annual compliance; maintenance and operation support would impose an incremental, recurring burden of approximately five personnel hours at an approximate cost of $340 for each non-financial end-user, DCM or SEF.[652] This cost estimate included the number of potential burden hours required to design training materials, conduct training with existing personnel, and revise and circulate written policies and procedures in compliance with the requirements set forth in § 43.6(g). The Commission is revising its estimates based on updated wage rate data. The Commission estimates the updated approximate cost of designing training materials, conducting training with existing personnel, and revising and circulating written policies and procedures in compliance with the requirements set forth in § 43.6(g) to be $370 for each non-financial end-user, DCM, or SEF.[653]

d. Incremental, Non-Recurring Expenditure to an SDR To Update Existing Technology To Capture and Publicly Disseminate Swap Data for Block Trades and Large Notional Off-Facility Swaps

To comply with the election process in § 43.6(g), an SDR likely would need to update its existing technology to capture elections and disseminate qualifying publicly reportable swap transactions as block trades or large notional off-facility swaps. In the Further Block Proposal, the Commission estimated that updating existing technology to capture elections would impose an initial non-recurring burden of approximately 15 personnel hours at an approximate cost of $1,310 for each SDR.[654] This cost estimate included the number of potential burden hours required to amend internal procedures, reprogram systems, and implement processes to capture and publicly disseminate swap transaction and pricing data for block trades and large notional off-facility swaps in compliance with the requirements set forth in § 43.6(g). The Commission is revising its estimates based on updated wage rate data. The Commission estimates the updated approximate cost required to amend internal procedures, reprogram systems, and implement processes to capture and publicly disseminate swap transaction and pricing data for block trades and large notional off-facility swaps in compliance with the requirements set forth in § 43.6(g) to be $1,390 for each SDR.[655]

[648] This estimate was calculated as follows: (Compliance Manager at 15 hours) + (Director of Compliance at 10 hours) + (Compliance Attorney at 5 hours) + (Senior Systems Analyst at 30) + (Senior Programmer at 20) = 80 hours per non-financial end-user who is a reporting party. A compliance manager has adjusted hourly wages of $77.77. A director of compliance has adjusted hourly wages of $158.21. A compliance attorney has adjusted hourly wages of $89.43. A senior systems analyst has adjusted hourly wages of $64.50. A senior programmer has adjusted hourly wages of $81.52.

[649] This estimate was calculated as follows: (Compliance Manager at 15 hours) + (Director of Compliance at 10 hours) + (Compliance Attorney at 5 hours) + (Senior Systems Analyst at 30) + (Senior Programmer at 20) = 80 hours per non-financial end-user who is a reporting party. A compliance manager has adjusted hourly wages of $74.16. A director of compliance adjusted hourly wages of $169.16. A compliance attorney has adjusted hourly wages of $103.17. A senior systems analyst has adjusted hourly wages of $70.45. A senior programmer has adjusted hourly wages of $86.89.

[650] This estimate is calculated as follows: (Compliance Manager at 5 hours) + (Director of Compliance at 2 hours) + (Compliance Attorney at 2 hours) + (Senior Systems Analyst at 10) + (Senior Programmer at 20) = 39 hours per non-financial end-user who is a reporting party. A compliance manager has adjusted hourly wages of $77.77.

[651] This estimate was calculated as follows: (Compliance Manager at 5 hours) + (Director of Compliance at 2 hours) + (Compliance Attorney at 2 hours) + (Senior Systems Analyst at 10) + (Senior Programmer at 20) = 39 hours per non-financial end-user who is a reporting party. A compliance manager has adjusted hourly wages of $74.16. A director of compliance adjusted hourly wages of $169.16. A compliance attorney has adjusted hourly wages of $103.17. A senior systems analyst has adjusted hourly wages of $70.45. A senior programmer has adjusted hourly wages of $86.89.

[652] This estimate is calculated as follows: (Director of Compliance at 1 hour) + (Compliance Clerk at 3 hours) + (Compliance Attorney at 1 hour) = 5 hours per year per non-financial end-user who is a reporting party. A director of compliance has adjusted hourly wages of $158.21. A compliance clerk (junior compliance advisor) has adjusted hourly wages of $31.22. A compliance attorney has adjusted hourly wages of 89.43.

[653] This estimate is calculated as follows: (Director of Compliance at 1 hour) + (Compliance Clerk at 3 hours) + (Compliance Attorney at 1 hour) = 5 hours per year per non-financial end-user who is a reporting party. A director of compliance's adjusted hourly wage is $169.16. A compliance clerk (junior compliance advisor) has adjusted hourly wages of $33.52. A compliance attorney's adjusted hourly wage is $103.17.

[654] This estimate is calculated as follows: (Sr. Programmer at 8 hours) + (Sr. Systems Analyst at 3 hours) + (Compliance Manager at 2 hours) + (Director of Compliance at 2 hours) = 15 hours per SDR. A senior programmer has adjusted hourly wages of $81.52. A senior systems analyst has adjusted hourly wages of $64.50. A compliance manager has adjusted hourly wages of $77.77. A director of compliance has adjusted hourly wages of $158.21.

[655] This estimate is calculated as follows: (Senior Programmer at 8 hours) + (Senior Systems Analyst

2. Comments Received

The Commission received one comment directly related to the costs of the election process. As discussed more fully above, WMBAA disagreed with the Further Block Proposal projected cost estimates generally and contended that the Commission failed to contemplate the actual efforts a SEF will have to undertake to implement the block trade regime, including the two-step notification process.[656] In addition to the fact that WMBAA did not provide data to support or monetize its position, WMBAA's disagreement with the Further Block Proposal's election process cost estimates does not concern the incremental cost to augment and maintain systems and processes that the Commission believes entities need have in place to comply with the real time reporting requirement of Section 2(a)(13) of the CEA; rather it concerns the cost to comply with that statutory requirement as prescribed by the existing part 43 implementation regulations. SEFs and DCMs would incur these costs regardless of how the Commission determines block thresholds. Accordingly, the Commission considers WMBAA's criticism of the cost estimates in this rulemaking misplaced. Therefore, the Commission is maintaining the Further Block Proposal's approach to calculating the direct costs resulting from the methodology for determining block thresholds, but is revising its estimates based on updated wage rate data.

3. Benefits Relevant to the Election Process (§ 43.6(g))

The Commission has identified two overarching benefits that the election process in § 43.6(g) would confer on swap market participants, registered entities and the general public. First, although § 43.6(g) sets out a purely administrative process with which market participants and registered entities must comply, the Commission views this process as an integral component of the block trade framework in this rulemaking and in part 43. Consequently, this election process will benefit market participants, registered entities and the general public by providing greater price transparency in swaps markets than currently exists under part 43.[657] Since this election process is optional, entities need avail themselves of the process only in circumstances where the attendant benefits warrant.

Second, the Commission believes that the election process will promote market efficiency by creating a standardized process in § 43.6(g) for market participants to designate publicly reportable swap transactions that are eligible for block trade or large notional off-facility swap treatment. In addition, this standardized process will further promote efficiency by allowing market participants and registered entities to leverage their existing technology infrastructure, connectivity, personnel and other resources required under parts 43 and 49 of the Commission's regulations. The Commission believes the final rule avoids imposing duplicative or conflicting obligations on market participants and registered entities.

4. Alternatives

The Commission specifically asked commenters whether there were alternative methods through which a reporting party could elect to treat its qualifying swap transaction as a block trade or large notional off-facility swap. In addition, the Commission asked whether it should require a variation on the proposed election process where SEFs, DCMs, and reporting parties would be required to indicate under which swap category they were claiming block or large notional off-facility swap treatment. Finally, the Commission asked whether it should establish an alternative approach for small end-users when such an end-user is the reporting party to a qualified swap transaction.

No comments were received either proposing or otherwise supporting an alternative approach and as such, the Commission is adopting in § 43.6(g) relative to possible alternatives.

5. Application of the Section 15(a) Factors to § 43.6(g)

a. Protection of Market Participants and the Public

Section 43.6(g) is an essential part of this rulemaking because it provides the mechanism through which market participants will be able to elect to treat their qualifying swap transaction as a block trade or large notional off-facility swap. Consequently, this process contributes to providing greater swap market transparency than what currently exists under part 43 of the Commission's regulations. Market participants, registered entities and the general public benefit from this enhanced swap market price transparency.

b. Efficiency, Competitiveness and Financial Integrity.[658]

As noted above, the election process will promote efficiency by providing market participants and registered entities with a standardized process to delineate which publicly reportable swap transactions are block trades or large notional off-facility swaps. The voluntary nature of this election process will also add to the efficiency of the swaps market since eligible entities will only choose to elect if it is financially beneficial for them to do so. In addition, the proposed election process will promote efficiency by allowing non-financial end-users, SEFs, DCMs and SDRs to leverage their existing technology infrastructure, connectivity, personnel and other resources required under part 43 and part 49 of the Commission's regulations. The use of existing technologies, connectivity, personnel and other resources will create efficiencies for these entities and mitigate the cost to comply § 43.6(g).

The Commission has identified no potential impact on competitiveness and financial integrity that would result from the implementation of the proposed election process.

c. Price Discovery

The Commission has identified no potential material impact to price discovery that would result from the implementation of the election process outside of those discussed in section b. above.

d. Sound Risk Management Practices

The Commission has identified no potential impact on sound risk management practices that would result from the implementation of the election process outside of those discussed in section b. above.

e. Other Public Interest Considerations

The Commission has identified no potential impact on other public interest considerations (other than those identified above) that would result from the implementation of the election process.

at 3 hours) + (Compliance Manager at 2 hours) + (Director of Compliance at 2 hours) = 15 hours per SDR. A senior programmer has adjusted hourly wages of $86.89. A senior systems analyst has adjusted hourly wages of $70.45. A compliance manager has adjusted hourly wages of $74.16. A director of compliance has adjusted hourly wages of $169.16.

[656] CL–WMBAA at 8.

[657] *See* the discussion of benefits in section VI.E.1.e above with respect to § 43.6(a)–(f) and (h).

[658] Although by its terms, section 15(a)(2)(B) of the CEA applies to futures and not swaps, the Commission finds this factor useful in analyzing the costs and benefits of regulating swaps, as well. *See* 7 U.S.C. 19(a)(2)(B).

E. Costs and Benefits Relevant to Anonymity Protections (Amendments to § 43.4(d)(4) and (h))

This section discusses the two amendments to § 43.4. Section 43.4 as now promulgated prescribes the manner in which SDRs must publicly disseminate swap transaction and pricing data. One amendment adds a system for masking the geographical data for certain swaps in the other commodity asset class not currently subject to public dissemination, which provides limited, but not detailed information on the geographic location of the underlying assets of those swaps. The other amendment establishes a methodology to establish cap sizes that masks the size of swap transactions above a certain threshold, which is different from the methodology for determining appropriate minimum block sizes. Both amendments seek to protect the anonymity of the parties and certain identifying information for swaps while also providing increased transparency in swaps markets.

1. Amendments to § 43.4(d)(4)

The Commission addresses the public dissemination of information regarding certain swaps in the other commodity asset class in § 43.4(d)(4). Section 43.4(d)(4)(ii) currently provides that for publicly reportable swaps in this commodity asset class, information identifying the underlying assets of the swap must be publicly disseminated for: (a) those swaps executed on or pursuant to the rules of a SEF or DCM; (b) those swaps referencing one of the contracts described in appendix B to part 43; and (c) any publicly reportable swap transaction that is economically related to one of the contracts described in appendix B to part 43. Pursuant to the Real-Time Reporting Final Rule, any swap that is in the other commodity asset class that falls under § 43.4(d)(4)(ii) will be subject to reporting and public dissemination requirements.

In this final rule, the Commission is adopting a new provision, § 43.4(d)(4)(iii), that prescribes a system for the public dissemination of exact underlying assets in the other commodity asset class with a ''mask'' for sensitive and potentially revealing geographic detail. The Commission also is adopting guidance in the form of a new appendix to part 43 that contains the geographical details that SDRs will be able to use in masking eligible other commodity swaps while maintaining compliance with public dissemination of swap transaction and pricing data.

2. Amendments to § 43.4(h)

Section 43.4(h) establishes cap sizes for ''rounded notional or principal swap amounts'' above which information on swaps transactions is publicly reportable, for the purpose of providing anonymity for transactions where information on the notional or principal amounts alone would likely reveal the identity of the parties to the swap or sensitive business information. In doing so, the Commission notes that the objective of establishing cap sizes differs from that of establishing appropriate minimum block sizes.[659] With respect to the latter, the objective is to ensure that a block trade or large notional off-facility swap can be sufficiently offset during a relatively short reporting delay. The former is strictly for the protection of the counterparties' identity and sensitive business information.

Section 43.4(h) currently requires SDRs to publicly disseminate the notional or principal amounts of a publicly reportable swap transaction represented by a cap size (*i.e.,* $XX+) that adjusts in accordance with the respective appropriate minimum block size for the relevant swap category. Section 43.4(h) further provides that if no appropriate minimum block size exists with respect to a swap category, then the cap size on the notional or principal amount will correspond with interim cap sizes that the Commission has established for the five asset classes.[660]

The amendment to § 43.4(h) will require SDRs to continue to publicly disseminate cap sizes that correspond to their respective appropriate minimum block sizes during the initial period. However, when the Commission publishes the post-initial appropriate minimum block sizes in accordance with § 43.6(f), it will also publish post-initial cap sizes for each swap category by applying a 75-percent notional amount calculation on data collected by SDRs. The Commission will apply the 75-percent notional amount calculation to a one-year rolling window of such data corresponding to each relevant swap category for each calendar year.

3. Costs Relevant to the Amendments to § 43.4(d)(4) and (h)

SDRs will bear some costs of complying with the amendments to § 43.4(d)(4) and (h).[661] The Commission set forth the potential costs of these provisions in the Further Block Proposal and requested comments regarding its estimates. The Commission did not receive any comments regarding its estimates.

The Commission anticipates that these entities already will have made non-recurring expenditures in technology and personnel in connection with the requirements set forth in part 43 and part 49 (which contain rules regarding the registration and regulation of SDRs). As such, SDRs already will be required to pay recurring expenses associated with systems maintenance, support and compliance as described in the cost-benefit discussion in the Real-Time Reporting Final Rule.[662] Notwithstanding these recurring expenses, an SDR will have additional non-recurring expenditures associated with the amendments to § 43.4. Specifically, the Commission estimated that updating existing technology will impose an initial non-recurring burden of approximately 34 personnel hours at an approximate cost of $3,190 for each SDR.[663] This cost estimate included an estimate of the number of potential burden hours required to amend internal procedures, reprogram systems and implement processes to capture and publicly disseminate swap transaction and pricing data for block trades and large notional off-facility swaps in

[659] The Commission received numerous comments suggesting that the block thresholds and cap sizes established by the Commission should be the same. However, block thresholds and cap sizes have different statutory mandates and serve different purposes.

[660] *See* note 470 *supra,* which lists the interim cap sizes set forth in § 43.4(h)(1)–(5).

[661] The Commission anticipates that reporting parties, SEFs and DCMs would not incur any new costs related to the amendments to § 43.4 because this section relates to the data that an SDR must publicly disseminate. Section 43.3 of the Commission's regulations sets out the requirements for reporting parties, SEFs and DCMs in terms of what is transmitted to an SDR.

[662] *See* 76 FR 54572–75. As noted in SDR final rule, SDRs (that do not enter into contracts with a third party) would have incremental costs related to compliance with part 43 beyond those costs identified in the release adopting part 49 of the Commission's regulations. *See* 76 FR 54573. In the Real-Time Reporting Final Rule, the Commission stated that each SDR would have: (i) A recurring burden of approximately $856,666 and an annual burden of $666,666 for system maintenance per SDR; (ii) non-recurring costs to publicly disseminate ($601,003 per SDR); and (iii) recurring cots to publicly disseminate ($360,602 per SDR). *See* 77 FR 1238.

[663] This estimate is calculated as follows: (Sr. Programmer at 20 hours) + (Sr. Systems Analyst at 10 hours) + (Compliance Manager at 2 hours) + (Director of Compliance at 2 hours) = 34 hours per SDR. A senior programmer has adjusted hourly wages of $81.52. A senior systems analyst has adjusted hourly wages of $64.50. A compliance manager has adjusted hourly wages of $77.77. A director of compliance has adjusted hourly wages of $158.21. The total number was calculated incorrectly in the Further Block Proposal. The initial cost to an SDR should have been $2,747, rather than $3,190.

compliance with the requirements set forth in § 43.4(d).

The Commission is revising its estimates based on updated wage rate data. The Commission estimates the updated approximate cost required to amend internal procedures, reprogram systems and implement processes to capture and publicly disseminate swap transaction and pricing data for block trades and large notional off-facility swaps in compliance with the requirements set forth in § 43.4(d) to be $2,930 for each SDR.[664]

In addition, the Commission believes that § 43.4(d)(4)(iii) will result in some incremental, recurring costs for SDRs because they will be required to publicly disseminate other commodity swaps data that were not previously within the scope of the public dissemination requirement in § 43.4. The Commission estimates that there will be approximately 50,000 additional swaps reported to an SDR each year in the other commodity asset class, which the Commission estimates will be $154,021 in annualized costs.[665]

The Commission also anticipates that § 43.4(d)(4)(iii) will result in some indirect costs to the market through reduced information, since notional values of transactions beyond the cap size limits will not be revealed to the public. The Commission lacks data to quantify the costs associated with the reduction of information. However, given the statutory mandate to protect market participant identities, the Commission believes such costs are warranted and contemplated by Congress.

The Commission also received a number of comments regarding potential costs arising from the established level for cap size. GFMA stated that the same rationale should apply to cap and block sizes, as both have potential negative impacts on liquidity.[666] ICI stated that the 75 percent notional amount would be too high for determining cap size because the lack of depth and liquidity in the swaps market could cause public reporting of block sizes to reveal identities, business transactions, and market positions of participants, and recommends a 67 percent notional amount calculation for determining cap size in the post-initial period.[667] ISDA/SIFMA stated that the added transparency from reporting transaction sizes between 67 percent and 75 percent would be outweighed by the harm to liquidity from additional disclosure, and urges the Commission to ensure that the post-initial cap size is always equal to the relevant block size.[668] MFA stated that it is unnecessary for the Commission to establish cap sizes that differ from minimum block sizes as there is not a meaningful transparency benefit that would outweigh the resource burdens on the Commission, SDRs, SEFs, and other market participants.[669] SIFMA stated that the Commission should set the notional cap size at the block threshold, as the added public dissemination could harm liquidity in the same manner that a higher block trade size threshold might.[670] Vanguard stated that it is essential that the cap match the block trade threshold, as to do otherwise would compromise the liquidity protections afforded by the nuanced assessment of block trade thresholds.[671]

The additional information provided to the market regarding the size of block trades that are below the cap size may enhance price discovery by publicly disseminating more information relating to market depth and the notional sizes of publicly reportable swap transactions. This, in turn, promotes increased market liquidity.

In addition, the rule incorporates flexibility to adjust post-initial cap sizes in response to changing markets. Section 43.4(h) will permit the Commission to set cap sizes no less than once annually during the post-initial period. If swap market conditions change significantly after the implementation of the provisions of this rulemaking, then the Commission can react in a timely manner to further improve price transparency or to mitigate adverse effects on market liquidity.[672]

4. Benefits Relevant to the Amendments to § 43.4

The Commission anticipates that the anonymity provisions of § 43.4 will generate several overarching benefits to swap market participants, registered entities and the general public. In the first instance, the Commission anticipates that the cap size amendments to § 43.4(h) will benefit market participants, registered entities and the general public by providing greater price transparency with respect to swaps with notional amounts that fall between the post-initial appropriate minimum block size and post-initial cap size for a particular swap category. During the post-initial period, the Commission will set appropriate minimum block sizes based on the 67 percent notional amount calculation[673] and cap sizes based on the 75-percent notional amount calculation.[674] Although swaps with notional amounts that fall between these two sizes will be subject to a time delay, the exact notional amounts of these swaps eventually will be publicly disclosed. The delayed public disclosure of the notional amount of these swaps will provide market participants, registered entities and the general public with meaningful price transparency.

The masking provisions in the amendment to § 43.4(d)(4) and appendix D to part 43 will further benefit market participants, registered entities and the general public by enhancing price discovery with respect to swaps that currently are not required to be publicly disclosed under part 43. Section 43.4(d)(4) currently requires SDRs to publicly disseminate swap transaction and pricing data for publicly reportable swap transactions that reference or are economically related to the 29 contracts identified in appendix B to part 43. However, the Commission believes there are a significant number of swaps in the other commodity asset class that are not economically related to the 29 contracts identified on this appendix to part 43. The amendment creating new § 43.4(d)(4)(iii) will require the public dissemination of data on these swaps. The real-time public reporting of these swaps will enhance price discovery in the other commodity asset class.

[664] This estimate is calculated as follows: (Sr. Programmer at 20 hours) + (Sr. Systems Analyst at 10 hours) + (Compliance Manager at 2 hours) + (Director of Compliance at 2 hours) = 34 hours per SDR. A senior programmer has adjusted hourly wages of $86.89. A senior systems analyst has adjusted hourly wages of $70.45. A compliance manager has adjusted hourly wages of $74.16. A director of compliance has adjusted hourly wages of $169.16.

[665] The Commission estimates that there will be 5 SDRs, which will collect swaps data in the other commodity asset class. Each SDR would collect swaps data on approximately 10,000 swap transactions in the other commodity asset class. The commission estimates that it will take each SDR on average approximately 1 minute to publicly disseminate swaps data related to these new swap transactions. The number of burden hours for these SDRs would be 833 hours. As referenced in note 523 *supra*, the total labor costs for a swap trader is $184.90. Thus, the total number of burden hour costs equal the total number of burden hours (833 burden hours) × $184.90.

[666] CL–GFMA at 5.

[667] CL–ICI at 8.

[668] CL–ISDA/SIFMA at 15.

[669] CL–MFA at 8–9.

[670] CL–SIFMA at 12.

[671] CL–Vanguard at 7.

[672] This benefit is consistent with one of the considerations for implementation identified by ISDA and SIFMA in their January 18, 2011 report. *See* Block trade reporting for over-the-counter derivatives markets, note 32 supra.

[673] *See* proposed § 43.6(c)(1).

[674] *See* proposed § 43.6(c)(2).

In addition, the rule incorporates flexibility to adjust post-initial cap sizes in response to changing markets. Section 43.4(h) will permit the Commission to set cap sizes no less than once annually during the post-initial period. If swap market conditions change significantly after the implementation of the provisions of this rulemaking, then the Commission can react in a timely manner to further improve price transparency or to mitigate adverse effects on market liquidity.[675]

5. Alternatives

The Commission received numerous comments supporting alternatives to the proposed anonymity provisions in § 43.4(d)(4) and (h). These alternatives fall into two basic categories: (1) Post-initial cap size level; and (2) preventing public disclosure of swap market participant identity. In regard to cap size, seven commenters recommended that the Commission set post-initial cap sizes matching the minimum block size thresholds established by the Commission. AII supported setting the post-initial cap size for each swap category at the same level as the block size threshold and states that the 75 percent notional amount calculation is far too high.[676]

For the initial period, AII and ISDA/SIFMA argued that the cap size should be the lower of block size and the interim cap size in § 43.4(h)(1).[677] Barclays recommended that the post initial period cap sizes be introduced at more nuanced levels that reflect the differences between product's traded volumes.[678] EEI stated that the initial cap size of $25 million for both the Electricity Swap Contracts and the Other Commodity Electricity Swap Category is too high, as is the 75 percent notional amount for the post-initial period. EEI recommended that the Commission adopt a fixed cap size of $3 million for both periods.[679]

The Commission has evaluated these various alternatives concerning post-initial cap size levels against the statutory requirements imposed upon it by Section 2(a)(13): bring real-time public reporting to the swaps market subject to time delays for block trades and large notional off-facility swaps that it determines appropriate.[680] However, the statute only calls for a time delay—it does not provide for information to be kept from the market in perpetuity. All of the information regarding a block trade is reported to the market at the end of the block time delay. Notional or principal amount information above cap sizes, on the other hand, is never expressed to the market. Because the notional amount of the trade is neither reported to the market in real-time, nor reported to the market at all, the Commission believes that cap sizes should be set at a higher level than block sizes. The 75 percent notional test balances the competing interests of providing meaningful real-time public reporting to the swaps market and protecting the anonymity of swap market participants, while taking into account potential impacts on market liquidity.

The additional information provided to the market regarding the size of block trades that are below the cap size may enhance price discovery by publicly disseminating more information relating to market depth and the notional sizes of publicly reportable swap transactions. This, in turn, promotes increased market liquidity.

In regard to alternatives for preventing the public disclosure of the identities of swap market participants, the Commission received three comments regarding the masking of specific delivery or pricing detail of energy and power swaps. EEI recommended that the Commission mask data regarding Other Commodity Electricity Swaps according to the North American Electric Reliability Corporation eight regions rather than the FERC regions proposed.[681] Barclays recommended that the Commission use wider geographic regions when publicly disseminating data for commodity swaps with very specific underlying assets and/or delivery points and develop an appropriate process to avoid identifying issuers of debt.[682] Spring Trading supported further measures to prevent public disclosure of identities, business transactions, and market positions of swap market participants, and recommended disclosing a subset of data on a collective basis at a later date.

After consideration of the alternatives suggested by commenters, the Commission is adopting § 43.4(d)(iii) with the following modification that it believes affords greater anonymity protection relative to the Further Block Proposal, without adversely impacting transparency. The modification is: For publicly reportable swap transactions that have electricity and sources as an underlying asset and have a specific delivery or pricing point in the United States, the Commission is requiring SDRs to public disseminate the specific delivery or pricing point based on a description of one of the North American Electric Reliability Corporation (''NERC'') regions for publicly disseminating delivery or pricing points for electricity swaps described in proposed § 43.4(d)(4)(iii). Using the regions suggested by EEI further masks specific delivery details and thus provides additional protection against public disclosure of identities, business transactions, and market positions of swap market participants, as recommended by Barclays and Spring Trading.

The Commission also considered the alternative of having DCMs and SEFs set cap sizes. The Commission ultimately chose to determine cap sizes itself for the reason that doing so limits the direct burden on registered entities to determine and implement appropriate cap sizes themselves. As such, the chosen approach will promote market efficiency for market participants and registered entities.

6. Application of the Section 15(a) Factors to the Amendments to § 43.4

a. Protection of Market Participants and the Public

The amendments to § 43.4 protect swap counterparty anonymity on an ongoing basis. While cap sizes for some transactions can exceed appropriate minimum block sizes in certain circumstances (resulting in the public dissemination of notional/principal-amount information after a time delay), the Commission believes that for the vast majority of impacted swap transactions, the cap-size process and methodology is sufficient to distinguish correctly between those for which masking of notional or principal amount is required to maintain anonymity and those for which it is not.[683] The Commission believes that setting post-initial cap sizes above appropriate minimum block sizes will provide additional pricing information with respect to large swap transactions, which are large enough to be treated as block trades (or large notional off-facility swaps), but small enough that they do not exceed the applicable post-

[675] This benefit is consistent with one of the considerations for implementation identified by ISDA and SIFMA in their January 18, 2011 report. *See* Block trade reporting for over-the-counter derivatives markets, note 32 supra.

[676] CL–AII at 12.

[677] CL–AII at 12; CL–ISDA/SIFMA at 15.

[678] CL–Barclays at 6.

[679] CL–EEI at 5.

[680] Section 2(a)(13)(E) of the CEA.

[681] CL–EEI at 12–13.

[682] CL–Barclays at 6.

[683] The Commission recognizes that adoption of rules that delineate cap sizes insufficient to provide anonymity could cause prospective counterparties to forego swap transactions, thus adversely impacting market liquidity.

initial cap size. This additional information may enhance price discovery by publicly disseminating more information relating to market depth and the notional sizes of publicly reportable swap transactions, while still protecting the anonymity of swap counterparties and their ability to lay off risk when executing extraordinarily large swap transactions.

b. Efficiency, Competitiveness and Financial Integrity [684]

The Commission believes that amendments to § 43.4(h) promote market efficiencies and competitiveness since the approach will provide market participants with the ability to continue transacting swaps with the protection of anonymity, while promoting greater price transparency.

The Commission does not believe that the implementation of the anonymity protections established in § 43.4(h) will adversely impact the financial integrity of swap markets. The Commission has considered the comments provided regarding impacts on liquidity arising out of the 75 percent notional cap size. The Commission does not agree that the cap size will have a substantial negative impact on market liquidity. As stated above, the additional pricing information available to the market as a result of the 75 percent notional cap size promotes enhanced price discovery by publicly disseminating more information relating to market depth and the notional sizes of publicly reportable swap transactions, while still protecting the anonymity of swap counterparties and their ability to lay off risk when executing extraordinarily large swap transactions. This, in turn, promotes market liquidity.

c. Price Discovery

The cap size amendments to § 43.4(h) should benefit market participants, registered entities and the general public by providing greater price transparency with respect to swaps with notional amounts that fall between the post-initial appropriate minimum block size and post-initial cap size for a particular swap category. During the post-initial period, the Commission will set appropriate minimum block sizes based on the 67 percent notional amount calculation [685] and cap sizes based on the 75-percent notional amount calculation.[686] Although swaps with notional amounts that fall between these two sizes will be subject to a time delay, the exact notional amounts of these swaps will be publicly disclosed after the established time delay for blocks and large notional off-facility swaps.

The masking provisions in the amendment to § 43.4(d)(4) and appendix D to part 43 further benefit market participants, registered entities and the general public by enhancing price discovery with respect to swaps that currently are not required to be publicly disclosed under part 43. The amendment creating new § 43.4(d)(4)(iii) will require the public dissemination of data on these swaps. The Commission expects that the real-time public reporting of these swaps will enhance price discovery in the other commodity asset class.

d. Sound Risk Management Practices

To the extent that the amendments to § 43.4 mask the identity, business transactions and market positions of swap counterparties, the Commission expects that the amendments to § 43.4 provide those traders with the anonymity and time delay they require to manage their market risk efficiently.

e. Other Public Interest Considerations

The Commission does not anticipate that the amendment to § 43.4(h) will have a material effect on public interest considerations other than those identified above.

F. Costs and Benefits Relevant to § 43.6(h)(6)—Aggregation

Section 43.6(h)(6) specifies that, except as otherwise provided, it is impermissible to aggregate orders for different accounts in order to satisfy minimum block trade or cap size requirements. The rule further provides that aggregation may be permitted on a DCM or SEF if done by a person who: (i)(A) is a CTA who is registered pursuant to Section 4n of the Act or is exempt from registration under the Act, or a principal thereof, and has discretionary trading authority or directs client accounts, (B) is an investment adviser who has discretionary trading authority or directs client accounts and satisfies the criteria of § 4.7(a)(2)(v) of the Commission's regulations, or (C) is a foreign person who performs a role or function similar to the persons described in (A) or (B) and is subject as such to foreign regulation, and (ii) has more than $25,000,000 in total AUM.

1. Overview of Comments Received

The Commission received a number of comments with the proposed aggregation rule but none directly addressing the costs and benefits considerations of the rule.

JP Morgan commented that the rule appears to reflect a concern that private negotiation affords less protection to unsophisticated investors than trading through the central markets, and that since all entities that transact in the OTC market already must be ECPs, the analogous concern about customer protection in the swaps market is already addressed.[687]

ICI opposed the minimum assets under management requirement in proposed § 43.6(h)(6)(ii) and argued that the Commission did not articulate a rationale or policy reason for this requirement.[688] ICI also disagreed that an investment adviser seeking to aggregate orders must satisfy the criteria of § 4.7(a)(2)(v) of the Commission's regulations.[689]

With respect to JP Morgan's comment, the Commission notes that customers trading swaps on DCMs do not have to be ECPs. As discussed further below, adopted § 43.6(i)(1) allows non-ECP customers to be parties to block trades through a qualifying CTA, investment adviser, or similar foreign person.[690] It is possible, therefore, that those non-ECP DCM customers may not be aware if they received the best terms for their individual swap transactions that are aggregated with other transactions. Protection for such customers is therefore necessary, as it is for unsophisticated customers in other markets.

In response to ICI's opposition to the minimum asset threshold under § 43.6(h)(6)(ii), the Commission notes that this threshold reflects common industry practice.[691] CME, for example, has enforced the $25 million threshold

[684] Although by its terms, section 15(a)(2)(B) applies to futures and not swaps, the Commission finds this factor useful in analyzing the costs and benefits of swaps regulation, as well. 7 U.S.C. 19(a)(2)(B).

[685] *See* proposed § 43.6(c)(1).

[686] *See* proposed § 43.6(c)(2).

[687] CL–JPM at 9, n.13.

[688] CL–ICI at 3.

[689] *Id.* at 4. An investment adviser satisfies the criteria of § 4.7(a)(2)(v) if the investment adviser registers pursuant to § 203 of the Investment Advisers Act of 1940, or pursuant to the laws of any state, and the investment adviser has been registered and active for two years or provides security investment advice to securities accounts which, in the aggregate, have total assets in excess of $5,000,000 deposited at one or more registered securities brokers. 17 CFR 4.7(a)(2)(v).

[690] *See infra* Section II.C.6.

[691] *See, e.g.,* CME Rule 526. See also CBOE Futures Exchange LLC Rule 415(a)(i); Chicago Board of Trade Rule 526; Eris Exchange, LLC Rule 601(b)(10); ICE Futures U.S. Rule 4.07; NASDAQ OMX Futures Exchange, Inc. Rule E23; New York Mercantile Exchange, Inc. Rule 526(I); NYSE Liffe US, LLC Rule 423; and OneChicago LLC Rule 417.

in its rules since September 2000.[692] CME has stated that the threshold ''is an effort to establish the professionalism and sophistication of the registrant'' [693] while also expanding the number of CTAs and investment advisers eligible to aggregate trades.[694] The Commission believes that the $25 million threshold is an appropriate requirement to ensure that persons allowed to aggregate trades are appropriately sophisticated with these transactions, while at the same time not excluding an unreasonable number of CTAs, investment advisers, and similar foreign persons.

The Commission also disagrees with ICI's contention that investment advisers should not be required to satisfy the criteria under § 4.7(a)(2)(v), which requires an investment adviser to (1) be registered and active as an investment adviser for two years or (2) provide securities investment advice to securities accounts which, in the aggregate, have total assets in excess of $5 million deposited at one or more registered securities brokers.[695] The Commission first adopted provisions similar to current § 4.7(a)(2)(v) in 1992 [696] as objective indications that a person had the investment sophistication and experience needed to evaluate the risks and benefits of investing in commodity pools or a portfolio large enough to indicate the same, along with the financial resources to withstand the investment risks.[697] In 2000,[698] the Commission extended the same criteria in current § 4.7(a)(2)(v) to registered investment advisers for the same reasons.[699] The Commission believes that these objective criteria, which demonstrate that an investment adviser possesses the necessary investment expertise, should also apply with respect to allowing such persons to aggregate client orders.

The Commission believes that the $25 million threshold, as well as requiring investment advisers to satisfy the criteria under § 4.7(a)(2)(v), are both important for certifying that persons allowed to aggregate trades are appropriately sophisticated and important for protection of market participants and public.

2. Costs

The Commission expects that there will be some incremental cost attendant to compliance with § 43.6(h)(6). The Commission believes that the overall benefits to the market of allowing for the aggregation of orders under certain circumstances (*i.e.,* if done on a designated contract market or a swap execution facility by certain CTAs, investment advisers or foreign persons) will mitigate costs of reduced market liquidity that could result from execution of such transactions away from the centralized marketplace. The Commission also expects there to be some advisors who will be prohibited from aggregating orders for different trading accounts in order to satisfy the minimum block size, or cap size requirements. The Commission also believes that as a result of some advisers not being allowed to aggregate, there might be some minimal unquantifiable cost associated with a decrease in competition among such traders in the market.

3. Benefits

The rule is designed, in large part, to prevent circumvention of the exchange trading requirements and of the real-time reporting obligations associated with non-block transactions. Absent this prohibition, the goals of the Commission's regulations regarding block trading, namely increased transaction transparency, better price discovery and improved competitiveness in the markets as well as better risk management, could be frustrated by those whose trades individually fail to meet the minimum block trade threshold (and cap size threshold as a result), but nevertheless achieve the benefits intended for extraordinarily large positions by aggregating those individual trades. In other words, such entities would be able to evade the exchange-trading and reporting obligations that are integral to price transparency.

4. Section 15(a) Factors

a. Protection of Market Participants and the Public

The Commission believes that the rule will protect market participants from unfair practices by preventing trades that do not meet the minimum block trade threshold from enjoying extended reporting times. This means that trades that are not extraordinarily large, and hence, that do not need extra reporting time will not qualify as block trades and will be made public as soon as technologically practicable. Hence, the rule will increase transparency of non-block transactions, and thus, would protect market participants by informing their trading determinations through increased transparency and price discovery.

b. Efficiency, Competitiveness, and Financial Integrity of the Futures Markets

The Commission expects the prohibition of aggregation of trades to improve efficiency and competitiveness in the markets by allowing more trades to be reported without the time delay that is applied to qualifying block trades. This means that a higher number of trades will be eligible for real time reporting, and that will increase market transparency as well as promote competition in the swap markets. The rule also will protect the integrity of the derivatives market by ensuring that smaller trades, which do not qualify as block transactions, are executed on the trading system where there is pre-trade and post-trade transparency.

The Commission also recognizes that advisors who are prohibited from aggregating orders in order to satisfy the minimum block size or cap size requirements might not trade at the most favorable prices in the market, which might have a negative effect on the number of such traders in the market. While the Commission expects that competition in the market may be negatively affected as a result of prohibiting aggregation, the Commission anticipates that the positive effects of the rule on competition outweigh its negative effects.

c. Price Discovery

The Commission expects the rule to improve price discovery in the swap markets by preventing aggregation of trades and as a result promoting more trades to be publicly reported as soon as technologically practicable. This will result in enhanced swap market price discovery, since market participants and the public will be able to observe real-time pricing information for a higher

[692] *See* CME Submission 00–99 (Sept. 21, 2000) (modifying CME Rule 526 to reduce the threshold from $50,000,000 to $25,000,000). CME originally planned to lower the threshold from $50,000,000 to $5,000,000, but withdrew the submission and instead proposed to lower the threshold to $25,000,000, based on customer suggestions. *See* CME Submission 00–93 (Sept. 1, 2000); CME Submission 00–99 at 5–6.

[693] *Id.* at 6 (quoting letter addressed to Jean A. Webb, Secretary of the Commission from John G. Gaine, President, Managed Funds Association dated April 24, 2000 regarding ''Chicago Mercantile Exchange new Proposed Rule 526'').

[694] *Id.* at 4, 6–7. CME also stated in the filing that it planned to readdress the threshold amount as it gained experience with block trades, but has declined to modify the amount.

[695] 17 CFR 4.7(a)(2)(v).

[696] 57 FR 34853, 34854–55 (Aug. 7, 1992). The final rule reduced the amount on deposit threshold to $5 million from the $10 million required by the proposed rule. *See* 57 FR 3148, 3152 (Jan. 28, 1992).

[697] *See* 57 FR at 34854 (quoting 57 FR at 3152).

[698] 65 FR 11253, 11257–58 (Mar. 2, 2000).

[699] *Id.* at 11257 (quoting 57 FR at 3152).

percentage of transactions in the market. In addition, the Commission expects that the rule will enhance price discovery by ensuring that smaller trades, which do not qualify as block transactions, are executed on the trading system where there is pre-trade and post-trade transparency and where buyers and sellers may make informed trading decisions based on the market's transparency.

d. Sound Risk Management Practices

The Commission anticipates that the criteria will likely result in enhanced price discovery as discussed above. With better and more accurate data, swap market participants will likely be better able to measure and manage risk. The Commission believes that if the prohibition of aggregation of trades was not adopted, swap transactions may not be reported to an SDR ''as soon as technologically practicable.'' The Commission also believes that by preventing this delay in the reporting period of a swap transaction to an SDR, the Commission will possess the information it needs to monitor the transfer and positions of risk among counterparties in the swaps market.

e. Other Public Interest Considerations

The Commission has not identified any other public interest considerations regarding the rule.

G. Costs and Benefits Relevant to § 43.6(i)—Eligible Block Trade Parties

1. Overview of Comments Received

The Commission received few comments with respect to the eligible block trade parties rule. As discussed above, similar comments regarding the exceptions to the prohibitions against aggregation for certain persons were submitted with respect to the exception to certain persons transacting blocks on a DCM on behalf of non-ECPs. For example, ICI opposed the minimum assets under management requirement in proposed § 43.6(i)(1) and similarly argued that the Commission did not articulate a rationale or policy reason for this requirement.[700]

The Commission received one specific comment related to costs on proposed § 43.6(i)(2). SIFMA commented that proposed § 43.6(i)(2) may require asset managers to obtain consent from each client for whom they will engage in block trades.[701] SIFMA contended that this requirement would be costly and unnecessary, and that notice to the customers [702] or a general grant of investment discretion in the investment management agreement, power of attorney, or similar document should be sufficient.[703]

The Commission disagrees with SIFMA's contention regarding the burdens of obtaining consent. This burden consent will be minimal because § 43.6(i)(2) states that the instruction or consent may be provided through a power of attorney or similar document that provides discretionary trading authority or the authority to direct trading in the account. The consent may therefore be included in existing and future customer agreements. The Commission further disagrees that a general grant of investment discretion or notice to the customer should satisfy § 43.6(i)(2). A customer's written instruction or consent is necessary because a customer potentially may not receive the best terms for an individual swap transaction that is part of an aggregation. The written instruction or consent makes the customer aware that block trades may be used on its behalf, allowing the customer to decide whether to allow these transactions, through which the rule has the added benefit of protection of market participants and public. The Commission also would like to point out that a cost estimate for that burden has already been presented in the proposed rule and received no direct comments on that cost estimate.

2. Costs

Section 43.6(i)(1) requires that parties to a block trade must be eligible contract participants, as defined under the CEA and Commission regulations, except that a DCM may allow: (i) A CTA registered pursuant to Section 4n of the Act or exempt from registration under the Act, or a principal thereof, and who has discretionary trading authority or directs client accounts, (ii) an investment adviser who has discretionary trading authority or directs client accounts and satisfies the criteria of § 4.7(a)(2)(v) of the Commission's regulations, or (iii) a foreign person who performs a similar role or function to the persons described in (i) or (ii) and is subject as such to foreign regulation, to transact block trades for customers who are not eligible contract participants, if such CTA, investment adviser or foreign person has more than $25,000,000 in total AUM. This rule codifies, in part, the requirement under Section 2(e) of the CEA, which requires that ''[i]t shall be unlawful for any person, other than an eligible contract participant, to enter into a swap unless the swap is entered into on, or subject to the rules of….a designated contract market.'' In addition, the provisions allowing certain entities (as described in this release) to enter into block trades on behalf of their non-ECP customers on DCMs is substantially similar to the existing DCM rules that allow block trading in the futures market.

Section 43.6(i)(2) further provides that no person may conduct a block trade on behalf of a customer unless the person receives prior written instruction or consent to do so. The rule further provides that such instruction or consent may be provided in the power of attorney or similar document by which the customer provides the person with discretionary trading authority or the authority to direct the trading in its account. The Commission is of the view that the cost associated with the written instruction or consent is minimal. The Commission estimates that a prior written instruction or consent requirement would impose an initial non-recurring burden of approximately 2 personnel hours at an approximate cost of $155.54 for each CTA, investment adviser or foreign person.[704]

3. Benefits

The Commission has determined that the benefits of § 43.6(i) are significant. The rule allows customers who are not ECPs to engage in block trade transactions through certain entities as outlined in the rule. By permitting certain CTAs, investment advisers and foreign persons to transact swaps on behalf of non-ECP customers, the rule provides important safeguards for non-ECPs when entering into block transactions in swaps. The Commission believes that access to block trades will allow customers who are not ECPs to diversify their risk or improve their investment strategies. In addition, the Commission also anticipates the access to block trades for non-ECPs to increase their participation in swap markets, increasing liquidity in the markets for everyone.

The Commission acknowledges that § 43.6(i)(2) has the added benefit of protection of market participants and public since the written instruction or consent required in § 43.6(i)(2) of the rule makes the customer aware that block trades may be used on its behalf, allowing the customer to decide whether to allow these transactions.

[700] CL–ICI at 3.

[701] CL–SIFMA at 1.

[702] *Id.* at 2.

[703] *Id.*

[704] The estimate is calculated as follows: Compliance manager at 2 hours. A compliance manager's adjusted hourly wage is $77.77. *See* note 521 *supra.*

4. Section 15(a) Factors

a. Protection of Market Participants and the Public

As discussed above, § 43.6(i)(2), by requiring that no person may conduct a block trade on behalf of a customer unless the person receives prior written instruction or consent to do so, protects the customer by making sure the customer is aware that block trades may be used on its behalf. This means better protection for market participants and the public since no one will be able to conduct a block trade on their behalf without their consent.

b. Efficiency, Competitiveness, and Financial Integrity of the Futures Markets

The Commission expects the rule to improve competitiveness in the markets by allowing customers who are not ECPs to have access to block trades through certain CTAs, investment advisers and foreign persons. The Commission anticipates an increase in competitiveness due to the fact that more customers would use the swap markets as a result of this rule. An increased participation in a market will also serve to increase liquidity, as well as competition, in that market.

c. Price Discovery

The Commission does not anticipate the rule to have any significant effect on price discovery in the market.

d. Sound Risk Management Practices

The Commission does not anticipate the rule to have any significant effect on risk management practices.

e. Other Public Interest Considerations

The Commission has not identified any other public interest considerations regarding the rule.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA'') requires Federal agencies to consider the impact of its rules on ''small entities.'' [705] A regulatory flexibility analysis or certification typically is required for ''any rule for which the agency publishes a general notice of proposed rulemaking pursuant to'' the notice-and-comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b).[706] With respect to the Further Block Proposal, the Commission provided in its RFA statement that the proposed rule would have a direct effect on a number of entities, specifically DCMs, SEFs, SDs, MSPs, and certain single end-users.[707] In the Further Block Proposal, the Chairman, on behalf of the Commission, certified that the rulemaking would not have a significant economic effect on a substantial number of small entities. Comments on that certification were sought.

In the Further Block Proposal, the Commission provided that it previously had established that certain entities subject to its jurisdiction are not small entities for purposes of the RFA. Specifically, the Commission stated that it had previously determined that SEFs and DCMs are not small businesses.[708] The Commission also stated that it is of the view that SDs and MSPs are not small businesses.[709]

The Commission recognized that the proposed rule could impose direct burdens on parties to a swap, which the Commission has determined previously may include a percentage of small end users that are considered small businesses for the purposes of the RFA.[710]

Notwithstanding the imposition of this burden, however, the determination to certify pursuant to § 605(b) of the RFA that the proposed rule would not have a significant economic effect on a substantial number of small entities was based upon two major considerations. First, Section 43.3 of the Commission's regulations already requires these entities to report their swap transaction and pricing data to an SDR.[711] The Commission is of the view that requiring these entities to include an additional notification or field in conjunction with the reporting of such data would impose, at best, a marginal and incremental cost. Second, the proposed rule was structured so that most swaps that are expected to be executed by an end user would not require notification of the election by the end user, but rather by a party that is subject to Commission registration and regulation.

The Commission did not receive any comments respecting its RFA certification. Accordingly, for the reasons stated in the Further Proposal and set forth above, the Commission continues to believe that the rulemaking will not have a significant impact on a substantial number of small entities. Therefore, the Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that the procedure to establish appropriate minimum block sizes adopted herein will not have a significant economic impact on a substantial number of small entities.

VII. Example of a Post-initial Appropriate Minimum Block Size Determination Using the 67-percent Notional Amount Calculation

The example below describes the steps necessary for the Commission to determine the post-initial appropriate minimum block size based on § 43.6(c)(1) for a sample set of data in ''Swap Category Z.'' For the purposes of this example, Swap Category Z had 35 transactions over the given observation period. The observations are described in table A below and are ordered by time of execution (*i.e.,* Transaction #1 was executed prior to Transaction #2).

TABLE A—SWAP CATEGORY Z TRANSACTIONS

Transaction #1	Transaction #2	Transaction #3	Transaction #4	Transaction #5
5,000,000	25,000,000	50,000,000	1.05	3,243,571

[705] *See* 5 U.S.C. 601 et seq.

[706] *See* 5 U.S.C. 601(2), 603, 604, and 605.

[707] As discussed more fully in the Further Block Proposal, the Commission is of the view that registered entities such as SDs and MSPs are not small businesses.

[708] 77 FR at 15499. *See* 17 CFR part 40 Provisions Common to Registered Entities, 75 FR 67282 (Nov. 2, 2010); *see also* 47 FR 18618, 18619, Apr. 30, 1982 and 66 FR 45604, 45609, Aug. 29, 2001.

[709] 77 FR at 15499.

[710] *See* 77 FR 1240 (''[T]he Commission recognized that the proposed rule could have an economic effect on certain single end users, in particular those end users that enter into swap transactions with another end-user. Unlike the other parties to which the proposed rulemaking would apply, these end users are not subject to designation or registration with or to comprehensive regulation by the Commission. The Commission recognized that some of these end users may be small entities.''). The term reporting party also includes swap dealers and major swap participants.

The Commission previously has determined that these entities do fall within the definition of small business for the purpose of the RFA. *See* 75 FR at 76170.

[711] *See* 77 FR 1240.

TABLE A—SWAP CATEGORY Z TRANSACTIONS—Continued

Transaction #1	Transaction #2	Transaction #3	Transaction #4	Transaction #5
Transaction #6	Transaction #7	Transaction #8	Transaction #9	Transaction #10
100,000,000	525,000,000	10,000,000	15,000,000	25,000,000
Transaction #11	Transaction #12	Transaction #13	Transaction #14	Transaction #15
100,000,000	265,000,000	25,000,000	100,000,000	100,000,000
Transaction #16	Transaction #17	Transaction #18	Transaction #19	Transaction #20
100,000,000	150,000,000	50,000,000	100,000,000	50,000,000
Transaction #21	Transaction #22	Transaction #23	Transaction #24	Transaction #25
75,000,000	82,352,124	100,000,000	1,235,726	60,000,000
Transaction #26	Transaction #27	Transaction #28	Transaction #29	Transaction #30
100,000,000	50,000,000	50,000,000	100,000,000	100,000,000
Transaction #31	Transaction #32	Transaction #33	Transaction #34	Transaction #35
100,000,000	100,000,000	32,875,000	50,000,000	440,000,000

Step 1: Remove the transactions that do not fall within the definition of ''publicly reportable swap transactions'' as described in § 43.2.

In this example, assume that five of the 35 transactions in Swap Category Z do not fall within the definition of ''publicly reportable swap transaction.'' These five transactions, listed in table B below would be removed for the data set that will be used to determine the post-initial appropriate minimum block size.

TABLE B—TRANSACTIONS THAT DO NOT FALL WITHIN THE DEFINITION OF ''PUBLICLY REPORTABLE SWAP TRANSACTION''

Transaction #4	Transaction #13	Transaction #16	Transaction #20	Transaction #21
1.05	25,000,000	100,000,000	50,000,000	75,000,000

Step 2A: Convert the publicly reportable swap transactions in the swap category to the same currency or units.

In order to accurately compare the transactions in a swap category and apply the appropriate minimum block size calculation, the transactions must be converted to the same currency or unit.

In this example, the publicly reportable swap transactions were all denominated in U.S. dollars, so no conversion was necessary. If the notional amounts of any of the publicly reportable swap transactions in Swap Category Z had been denominated in a currency other than U.S. dollars, then the notional amounts of such publicly reportable swap transactions would have been adjusted by the daily exchange rates for the period to arrive at the U.S. dollars equivalent notional amount.

Step 2B: Examine the remaining data set for any outliers and remove any such outliers, resulting in a trimmed data set.

The publicly reportable swap transactions are examined to identify any outliers. If an outlier is discovered, then it would be removed from the data set. To conduct this analysis, the notional amounts of all of the publicly reportable swap transactions remaining after step 1 and step 2A are transformed by Log_{10}. The average and standard deviation (''STDEV'') of these transformed notional amounts would then be calculated. Any transformed notional amount of a publicly reportable swap transaction that is larger than the average of all transformed notional amounts plus four times the standard deviation would be omitted from the data set as an outlier.

In the data set used in this example, none of the observations were large enough to qualify as an outlier, as shown in the calculations described in Table C.

TABLE C—TESTING FOR OUTLIERS IN THE PUBLICLY REPORTABLE SWAP TRANSACTION DATA SET

Log10 Average	7.75	4*STDEV+Average	10.2
Log10 STDEV	0.611359	Omitted Values	None
4* STDEV	2.45		

Step 3: Sum the notional amounts of the remaining publicly reportable swap transactions in the data set resulting after step 2B. Note: The notional amounts being summed in this step are the original amounts following step 2A and not the Log_{10} transformed amounts used for the process in step 2B used to identify and omit any outliers.

Using the equation described immediately below, the notional amounts are added to determine the

sum total of all notional amounts remaining in the data set for a particular swap category. In this example, the notional amounts of the 30 remaining publicly reportable swap transactions in Swap Category Z are added together to come up with a net value of 2,989,706,421.

$$\sum_{i=1}^{30} Ti_{\square} = PRST_{NV}$$

30 = Notional amount of swap transaction

i = Index variable of summation for the set

T_i = Indicator for publicly reportable swap transactions

$PRST_{NV}$ = Sum total of the notional amounts of all remaining publicly reportable swap transactions in the set

$PRST_{NV}$ = 2,989,706,421

Step 4: Calculate the 67 Percent Notional Amount.

Using the resulting amount from step 2B, a 67-percent notional amount value would be calculated by using the equation:

$PRST_{NV} * 0.67 = G$

G = 67 percent of the sum total of the notional amounts of all remaining publicly reportable swap transactions in the set.

G = 2,003,103,302

Step 5: Order and rank the observations based on notional amount of the publicly reportable swap transaction from least to greatest.

The remaining publicly reportable swap transactions having previously been converted to U.S. dollar equivalents must be ranked, based on the notional sizes of such transactions, from least to greatest. The resulting ranking yields the $PRST_{i\square}$. Table D below reflects the ranking of the remaining publicly reportable swap transactions based on their notional amount sizes for this example.

$PRST_i$ = a publicly reportable swap transaction in the data set ranked from least to greatest based on the notional amounts of such transactions.

Step 6A: Calculate the running sum of all $PRST_i$.

A running sum would be calculated by adding together the ranked and ordered publicly reportable swap transactions from step 5 ($PRST_i$) in least to greatest order. The calculations of running sum values with respect to this example are reflected in Table D below.

RS Values = Running sum values

TABLE D—*PRST*$_i$ VALUES AND RS VALUES

	Rank Order #1	Rank Order #2	Rank Order #3	Rank Order #4	Rank Order #5
PRST$_i$ Values	1,235,726	3,243,571	5,000,000	10,000,000	15,000,000
RS Values	1,235,726	4,479,297	9,479,297	19,479,297	34,479,297
	Rank Order #6	Rank Order #7	Rank Order #8	Rank Order #9	Rank Order #10
PRST$_i$ Values	25,000,000	25,000,000	32,875,000	50,000,000	50,000,000
RS Values	59,479,297	84,479,297	117,354,297	167,354,297	217,354,297
	Rank Order #11	Rank Order #12	Rank Order #13	Rank Order #14	Rank Order #15
PRST$_i$ Values	50,000,000	50,000,000	50,000,000	60,000,000	82,352,124
RS Values	267,354,297	317,354,297	367,354,297	427,354,297	509,706,421
	Rank Order #16	Rank Order #17	Rank Order #18	Rank Order #19	Rank Order #20
PRST$_i$ Values	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
RS Values	609,706,421	709,706,421	809,706,421	909,706,421	1,009,706,421
	Rank Order #21	Rank Order #22	Rank Order #23	Rank Order #24	Rank Order #25
PRST$_i$ Values	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
RS Values	1,109,706,421	1,209,706,421	1,309,706,421	1,409,706,421	1,509,706,421
	Rank Order #26	Rank Order #27	Rank Order #28	Rank Order #29	Rank Order #30
PRST$_i$ Values	100,000,000	150,000,000	265,000,000	440,000,000	525,000,000
RS Values	1,609,706,421	1,759,706,421	2,024,706,421	2,464,706,421	2,989,706,421

Step 6B: Select first RS Value that is greater than or equal to G.

In this example, G is equal to 2,003,103,302, meaning that the RS Value that must be selected would have to be greater than that number. The first RS Value that is greater than or equal to G can be found in the observation that corresponds to Rank Order #28 (see Table D). The RS Value of the Rank Order #28 observation is 2,024,706,421.

Step 7: Select the $PRST_t$ that corresponds to the observation determined in step 6B.

In this example, the $PRST_t$ that corresponds to the RS Value determined in step 6B (Rank Order #28) is 265,000,000.

Step 8: Determine the rounded notional amount.

Calculate the rounded notional amount under the process described in the proposed amendment to § 43.2. The 265,000,000 amount would be rounded to the nearest 10 million for public dissemination, or 270,000,000.

Step 9: Set the appropriate minimum block size at the amount calculated in step 8.

In this example, the appropriate minimum block size for swap category Z would be 270,000,000 for the observation period.

Post-Initial Appropriate Minimum Block Size = $270,000,000

VIII. List of Commenters Who Responded to the Further Block Proposal

Acronym/Abbreviation	Commenter
Abbott	Abbott, Robert.
AFR	Americans for Financial Reform.
ABC	American Benefits Counsel.
Arbor	Arbor Research & Trading, Inc.
AII	Association of Institutional Investors.
Barclays	Barclays Bank PLC.
Barnard	Barnard, Chris.
Better Markets	Better Markets, Inc.
CIEBA	Committee on the Investment of Employee Benefit Assets.
CME Group	CME Group Inc.

Acronym/Abbreviation	Commenter
CRT	CRT Capital Group LLC.
Currenex	Currenex, Inc.
EEI	Edison Electric Institute.
FIA	Futures Industry Association Principle Traders Group.
Freddie	Freddie Mac.
GFMA	Global Foreign Exchange Division of the Global Financial Markets Association.
ICAP Energy	ICAP Energy LLC.
ICAP	ICAP North America Inc.
ISDA/SIFMA	International Swaps and Derivatives Association and the Securities Industry and Financial Markets Association.
ICI	Investment Company Institute.
Javelin	Javelin Capital Markets, LLC.
Jefferies	Jefferies & Co., Inc.
JPM	J.P. Morgan.
Kearney	Kearney, Timothy.
Kinetix	Kinetix Trading Solutions.
MFA	Managed Funds Association.
Morgan Stanley	Morgan Stanley.
ODEX	ODEX Group.
Parascandola	Parascandola, James.
Parity	Parity Energy, Inc.
Pierpont	Pierpont Securities Holdings LLC.
R.J. O'Brien	R.J. O'Brien & Associates, Inc.
SIFMA	Asset Management Group of the Securities Industry and Financial Markets Association.
SDMA	Swaps & Derivatives Market Association.
Spring Trading	Spring Trading, Inc.
Vanguard	Vanguard.
WMBAA	Wholesale Market Brokers' Association, Americas.
Wolkoff	Wolkoff Consulting Services LLC.

List of Subjects in 17 CFR Part 43

Real-time public reporting, Block trades, Large notional off-facility swaps, Reporting and recordkeeping requirements.

Accordingly, for the reasons discussed in the preamble, the Commodity Futures Trading Commission amends 17 CFR part 43 as follows:

PART 43—REAL-TIME PUBLIC REPORTING

■ 1. The authority citation for part 43 is revised to read as follows:

Authority: 7 U.S.C. 2(a), 12a(5) and 24a, as amended by Pub. L. 111–203, 124 Stat. 1376 (2010).

■ 2. Amend § 43.2 by adding the following definitions in alphabetical order to read as follows:

§ 43.2 Definitions.

* * * * *

Cap size means, for each swap category, the maximum notional or principal amount of a publicly reportable swap transaction that is publicly disseminated.

* * * * *

Economically related means a direct or indirect reference to the same commodity at the same delivery location or locations, or with the same or a substantially similar cash market price series.

* * * * *

Futures-related swap means a swap (as defined in section 1a(47) of the Act and as further defined by the Commission in implementing regulations) that is economically related to a futures contract.

* * * * *

Major currencies means the currencies, and the cross-rates between the currencies, of Australia, Canada, Denmark, New Zealand, Norway, South Africa, South Korea, Sweden, and Switzerland.

Non-major currencies means all other currencies that are not super-major currencies or major currencies.

* * * * *

Physical commodity swap means a swap in the other commodity asset class that is based on a tangible commodity.

* * * * *

Reference price means a floating price series (including derivatives contract prices and cash market prices or price indices) used by the parties to a swap or swaption to determine payments made, exchanged or accrued under the terms of a swap contract.

* * * * *

Super-major currencies means the currencies of the European Monetary Union, Japan, the United Kingdom, and United States.

Swaps with composite reference prices means swaps based on reference prices that are composed of more than one reference price from more than one swap category.

* * * * *

Trimmed data set means a data set that has had extraordinarily large notional transactions removed by transforming the data into a logarithm with a base of 10, computing the mean, and excluding transactions that are beyond four standard deviations above the mean.

* * * * *

■ 3. Amend § 43.4 as follows:

■ A. Revise paragraph (d)(4)(i);

■ B. Revise paragraph (d)(4)(ii)(B);

■ C. Add paragraph (d)(4)(iii);

■ D. Revise paragraph (h).

The revisions and addition read as follows:

§ 43.4 Swap transaction and pricing data to be publicly disseminated in real-time.

* * * * *

(d) * * *

(4) * * *

(i) A registered swap data repository shall publicly disseminate swap transaction and pricing data for publicly reportable swap transactions in the other commodity asset class in the manner described in paragraphs (d)(4)(ii) and (d)(4)(iii) of this section.

(ii) * * *

(B) Any publicly reportable swap transaction that is economically related to one of the contracts described in Appendix B of this part; or

* * * * *

(iii) The underlying assets of swaps in the other commodity asset class that are not described in paragraph (d)(4)(ii) of this section shall be publicly disseminated by limiting the geographic detail of the underlying assets. The identification of any specific delivery point or pricing point associated with the underlying asset of such other commodity swap shall be publicly disseminated pursuant to Appendix E of this part.

* * * * *

(h) *Cap sizes.*

(1) *Initial cap sizes.* Prior to the effective date of a Commission determination to establish an applicable post-initial cap size for a swap category as determined pursuant to paragraph (h)(2) of this section, the initial cap sizes for each swap category shall be equal to the greater of the initial appropriate minimum block size for the respective swap category in Appendix F of this part or the respective cap sizes in paragraphs (h)(1)(i) through (h)(1)(v) of this section. If Appendix F of this part does not provide an initial appropriate minimum block size for a particular swap category, the initial cap size for such swap category shall be equal to the appropriate cap size as set forth in paragraphs (h)(1)(i) through (h)(1)(v) of this section.

(i) For swaps in the interest rate asset class, the publicly disseminated notional or principal amount for a swap subject to the rules in this part shall be:

(A) USD 250 million for swaps with a tenor greater than zero up to and including two years;

(B) USD 100 million for swaps with a tenor greater than two years up to and including ten years; and

(C) USD 75 million for swaps with a tenor greater than ten years.

(ii) For swaps in the credit asset class, the publicly disseminated notional or principal amount for a swap subject to the rules in this part shall be USD 100 million.

(iii) For swaps in the equity asset class, the publicly disseminated notional or principal amount for a swap subject to the rules in this part shall be USD 250 million.

(iv) For swaps in the foreign exchange asset class, the publicly disseminated notional or principal amount for a swap subject to the rules in this part shall be USD 250 million.

(v) For swaps in the other commodity asset class, the publicly disseminated notional or principal amount for a swap subject to the rules in this part shall be USD 25 million.

(2) *Post-initial cap sizes.* Pursuant to the process described in § 43.6(f)(1), the Commission shall establish post-initial cap sizes using reliable data collected by registered swap data repositories, as determined by the Commission, based on the following:

(i) A one-year window of swap transaction and pricing data corresponding to each relevant swap category recalculated no less than once each calendar year; and

(ii) The 75-percent notional amount calculation described in § 43.6(c)(3) applied to the swap transaction and pricing data described in paragraph (h)(2)(i) of this section.

(3) *Commission publication of post-initial cap sizes.* The Commission shall publish post-initial cap sizes on its Web site at *http://www.cftc.gov*.

(4) *Effective date of post-initial cap sizes.* Unless otherwise indicated on the Commission's Web site, the post-initial cap sizes shall be effective on the first day of the second month following the date of publication.

■ 4. Add § 43.6 to read as follows:

§ 43.6 Block trades and large notional off-facility swaps.

(a) *Commission determination.* The Commission shall establish the appropriate minimum block size for publicly reportable swap transactions based on the swap categories set forth in paragraph (b) of this section in accordance with the provisions set forth in paragraphs (c), (d), (e), (f) or (h) of this section, as applicable.

(b) *Swap categories.* Swap categories shall be established for all swaps, by asset class, in the following manner:

(1) *Interest rates asset class.* Interest rate asset class swap categories shall be based on unique combinations of the following:

(i) Currency by:

(A) Super-major currency;

(B) Major currency; or

(C) Non-major currency; and

(ii) Tenor of swap as follows:

(A) Zero to 46 days;

(B) Greater than 46 days to three months (47 to 107 days);

(C) Greater than three months to six months (108 to 198 days);

(D) Greater than six months to one year (199 to 381 days);

(E) Greater than one to two years (382 to 746 days);

(F) Greater than two to five years (747 to 1,842 days);

(G) Greater than five to ten years (1,843 to 3,668 days);

(H) Greater than ten to 30 years (3,669 to 10,973 days); or

(I) Greater than 30 years (10,974 days and above).

(2) *Credit asset class.* Credit asset class swap categories shall be based on unique combinations of the following:

(i) Traded Spread rounded to the nearest basis point (0.01) as follows:

(A) 0 to 175 points;

(B) 176 to 350 points; or

(C) 351 points and above;

(ii) Tenor of swap as follows:

(A) Zero to two years (0–746 days);

(B) Greater than two to four years (747–1,476 days);

(C) Greater than four to six years (1,477–2,207 days);

(D) Greater than six to eight-and-a-half years (2,208–3,120 days);

(E) Greater than eight-and-a-half to 12.5 years (3,121–4,581 days); and

(F) Greater than 12.5 years (4,582 days and above).

(3) *Equity asset class.* There shall be one swap category consisting of all swaps in the equity asset class.

(4) *Foreign exchange asset class.* Swap categories in the foreign exchange asset class shall be grouped as follows:

(i) By the unique currency combinations of one super-major currency paired with one of the following:

(A) Another super major currency;

(B) A major currency; or

(C) A currency of Brazil, China, Czech Republic, Hungary, Israel, Mexico, Poland, Russia, and Turkey; or

(ii) By unique currency combinations not included in paragraph (b)(4)(i) of this section.

(5) *Other commodity asset class.* Swap contracts in the other commodity asset class shall be grouped into swap categories as follows:

(i) For swaps that are economically related to contracts in Appendix B of this part, by the relevant contract as referenced in Appendix B of this part; or

(ii) For swaps that are not economically related to contracts in Appendix B of this part, by the following futures-related swaps—

(A) CME Cheese;

(B) CBOT Distillers' Dried Grain;

(C) CBOT Dow Jones-UBS Commodity Index;

(D) CBOT Ethanol;

(E) CME Frost Index;

(F) CME Goldman Sachs Commodity Index (GSCI), (GSCI Excess Return Index);

(G) NYMEX Gulf Coast Sour Crude Oil;

(H) CME Hurricane Index;

(I) CME Rainfall Index;

(J) CME Snowfall Index;

(K) CME Temperature Index;

(L) CME U.S. Dollar Cash Settled Crude Palm Oil; or

(iii) For swaps that are not covered in paragraphs (b)(5)(i) and (b)(5)(ii) of this section, the relevant product type as referenced in Appendix D of this part.

(c) *Methodologies to determine appropriate minimum block sizes and cap sizes.* In determining appropriate minimum block sizes and cap sizes for publicly reportable swap transactions, the Commission shall utilize the following statistical calculations—

(1) *50-percent notional amount calculation.* The Commission shall use the following procedure in determining the 50-percent notional amount calculation:

(i) Select all of the publicly reportable swap transactions within a specific swap category using a one-year window of data beginning with a minimum of one year's worth of data;

(ii) Convert to the same currency or units and use a trimmed data set;

(iii) Determine the sum of the notional amounts of swaps in the trimmed data set;

(iv) Multiply the sum of the notional amount by 50 percent;

(v) Rank order the observations by notional amount from least to greatest;

(vi) Calculate the cumulative sum of the observations until the cumulative sum is equal to or greater than the 50-percent notional amount calculated in paragraph (c)(1)(iv) of this section;

(vii) Select the notional amount associated with that observation;

(viii) Round the notional amount of that observation to two significant digits, or if the notional amount associated with that observation is already significant to two digits, increase that notional amount to the next highest rounding point of two significant digits; and

(ix) Set the appropriate minimum block size at the amount calculated in paragraph (c)(1)(viii) of this section.

(2) *67-percent notional amount calculation.* The Commission shall use the following procedure in determining the 67-percent notional amount calculation:

(i) Select all of the publicly reportable swap transactions within a specific swap category using a one-year window of data beginning with a minimum of one year's worth of data;

(ii) Convert to the same currency or units and use a trimmed data set;

(iii) Determine the sum of the notional amounts of swaps in the trimmed data set;

(iv) Multiply the sum of the notional amount by 67 percent;

(v) Rank order the observations by notional amount from least to greatest;

(vi) Calculate the cumulative sum of the observations until the cumulative sum is equal to or greater than the 67-percent notional amount calculated in paragraph (c)(2)(iv) of this section;

(vii) Select the notional amount associated with that observation;

(viii) Round the notional amount of that observation to two significant digits, or if the notional amount associated with that observation is already significant to two digits, increase that notional amount to the next highest rounding point of two significant digits; and

(ix) Set the appropriate minimum block size at the amount calculated in paragraph (c)(2)(viii) of this section.

(3) *75-percent notional amount calculation.* The Commission shall use the following procedure in determining the 75-percent notional amount calculation:

(i) Select all of the publicly reportable swap transactions within a specific swap category using a one-year window of data beginning with a minimum of one year's worth of data;

(ii) Convert to the same currency or units and use a trimmed data set;

(iii) Determine the sum of the notional amounts of swaps in the trimmed data set;

(iv) Multiply the sum of the notional amount by 75 percent;

(v) Rank order the observations by notional amount from least to greatest;

(vi) Calculate the cumulative sum of the observations until the cumulative sum is equal to or greater than the 75-percent notional amount calculated in paragraph (c)(3)(iv) of this section;

(vii) Select the notional amount associated with that observation;

(viii) Round the notional amount of that observation to two significant digits, or if the notional amount associated with that observation is already significant to two digits, increase that notional amount to the next highest rounding point of two significant digits; and

(ix) Set the appropriate minimum block size at the amount calculated in paragraph (c)(3)(viii) of this section.

(d) *No appropriate minimum block sizes for swaps in the equity asset class.* Publicly reportable swap transactions in the equity asset class shall not be treated as block trades or large notional off-facility swaps.

(e) *Initial appropriate minimum block sizes.* Prior to the Commission making a determination as described in paragraph (f)(1) of this section, the following initial appropriate minimum block sizes shall apply:

(1) *Prescribed appropriate minimum block sizes.* Except as otherwise provided in paragraph (e)(1) of this section, for any publicly reportable swap transaction that falls within the swap categories described in paragraphs (b)(1), (b)(2), (b)(4)(i), (b)(5)(i) or (b)(5)(ii) of this section, the initial appropriate minimum block size for such publicly reportable swap transaction shall be the appropriate minimum block size that is in Appendix F of this part.

(2) *Certain swaps in the foreign exchange and other commodity asset classes.* All swaps or instruments in the swap categories described in paragraphs (b)(4)(ii) and (b)(5)(iii) of this section shall be eligible to be treated as a block trade or large notional off-facility swap, as applicable.

(3) *Exception.* Publicly reportable swap transactions described in paragraph (b)(5)(i) of this section that are economically related to a futures contract in Appendix B of this part shall not qualify to be treated as block trades or large notional off-facility swaps (as applicable), if such futures contract is not subject to a designated contract market's block trading rules.

(f) *Post-initial process to determine appropriate minimum block sizes.*

(1) *Post-initial period.* After a registered swap data repository has collected at least one year of reliable data for a particular asset class, the Commission shall establish, by swap categories, the post-initial appropriate minimum block sizes as described in paragraphs (f)(2) through (f)(5) of this section. No less than once each calendar year thereafter, the Commission shall update the post-initial appropriate minimum block sizes.

(2) *Post-initial appropriate minimum block sizes for certain swaps.* The Commission shall determine post-initial appropriate minimum block sizes for the swap categories described in paragraphs (b)(1), (b)(2), (b)(4)(i) and (b)(5) of this section by utilizing a one-year window of swap transaction and pricing data corresponding to each relevant swap category reviewed no less than once each calendar year, and by applying the 67-percent notional amount calculation to such data.

(3) *Certain swaps in the foreign exchange asset class.* All swaps or instruments in the swap category described in paragraph (b)(4)(ii) of this section shall be eligible to be treated as a block trade or large notional off-facility swap, as applicable.

(4) *Commission publication of post-initial appropriate minimum block sizes.* The Commission shall publish the appropriate minimum block sizes determined pursuant to paragraph (f)(1) of this section on its Web site at *http://www.cftc.gov*.

(5) *Effective date of post-initial appropriate minimum block sizes.* Unless otherwise indicated on the Commission's Web site, the post-initial appropriate minimum block sizes described in paragraph (f)(1) of this

section shall be effective on the first day of the second month following the date of publication.

(g) *Required notification.*

(1) *Block trade election.*

(i) The parties to a publicly reportable swap transaction that has a notional amount at or above the appropriate minimum block size shall notify the registered swap execution facility or designated contract market, as applicable, pursuant to the rules of such registered swap execution facility or designated contract market, of its election to have the publicly reportable swap transaction treated as a block trade.

(ii) The registered swap execution facility or designated contract market, as applicable, pursuant to the rules of which a block trade is executed shall notify the registered swap data repository of such a block trade election when transmitting swap transaction and pricing data to such swap data repository in accordance with § 43.3(b)(1).

(2) *Large notional off-facility swap election.* A reporting party who executes an off-facility swap that has a notional amount at or above the appropriate minimum block size shall notify the applicable registered swap data repository that such swap transaction qualifies as a large notional off-facility swap concurrent with the transmission of swap transaction and pricing data in accordance with this part.

(h) *Special provisions relating to appropriate minimum block sizes and cap sizes.* The following special rules shall apply to the determination of appropriate minimum block sizes and cap sizes—

(1) *Swaps with optionality.* The notional amount of a swap with optionality shall equal the notional amount of the component of the swap that does not include the option component.

(2) *Swaps with composite reference prices.* The parties to a swap transaction with composite reference prices may elect to apply the lowest appropriate minimum block size or cap size applicable to one component reference price's swap category of such publicly reportable swap transaction.

(3) *Notional amounts for physical commodity swaps.* Unless otherwise specified in this part, the notional amount for a physical commodity swap shall be based on the notional unit measure utilized in the related futures contract market or the predominant notional unit measure used to determine notional quantities in the cash market for the relevant, underlying physical commodity.

(4) *Currency conversion.* Unless otherwise specified in this part, when the appropriate minimum block size or cap size for a publicly reportable swap transaction is denominated in a currency other than U.S. dollars, parties to a swap and registered entities may use a currency exchange rate that is widely published within the preceding two business days from the date of execution of the swap transaction in order to determine such qualification.

(5) *Successor currencies.* For currencies that succeed a super-major currency, the appropriate currency classification for such currency shall be based on the corresponding nominal gross domestic product classification (in U.S. dollars) as determined in the most recent World Bank, World Development Indicator at the time of succession. If the gross domestic product of the country or nation utilizing the successor currency is:

(i) Greater than $2 trillion, then the successor currency shall be included among the super-major currencies;

(ii) Greater than $500 billion but less than $2 trillion, then the successor currency shall be included among the major currencies; or

(iii) Less than $500 billion, then the successor currency shall be included among the non-major currencies.

(6) *Aggregation.* Except as otherwise stated in this paragraph, the aggregation of orders for different accounts in order to satisfy the minimum block trade size or the cap size requirement is prohibited. Aggregation is permissible on a designated contract market or swap execution facility if done by a person who:

(i) (A) Is a commodity trading advisor registered pursuant to Section 4n of the Act, or exempt from registration under the Act, or a principal thereof, who has discretionary trading authority or directs client accounts,

(B) Is an investment adviser who has discretionary trading authority or directs client accounts and satisfies the criteria of § 4.7(a)(2)(v) of this chapter, or

(C) Is a foreign person who performs a similar role or function as the persons described in paragraphs (h)(6)(i)(A) or (h)(6)(i)(B) of this section and is subject as such to foreign regulation; and,

(ii) Has more than $25,000,000 in total assets under management.

(i) *Eligible Block Trade Parties.*

(1) Parties to a block trade must be ''eligible contract participants,'' as defined in Section 1a(18) of the Act and the Commission's regulations. However, a designated contract market may allow:

(i) A commodity trading advisor registered pursuant to Section 4n of the Act, or exempt from registration under the Act, or a principal thereof, who has discretionary trading authority or directs client accounts,

(ii) An investment adviser who has discretionary trading authority or directs client accounts and satisfies the criteria of § 4.7(a)(2)(v) of this chapter, or

(iii) a foreign person who performs a similar role or function as the persons described in paragraphs (i)(1)(i) or (ii) of this section and is subject as such to foreign regulation, to transact block trades for customers who are not eligible contract participants if such commodity trading advisor, investment adviser or foreign person has more than $25,000,000 in total assets under management.

(2) A person transacting a block trade on behalf of a customer must receive prior written instruction or consent from the customer to do so. Such instruction or consent may be provided in the power of attorney or similar document by which the customer provides the person with discretionary trading authority or the authority to direct the trading in its account.

■ 5. Add § 43.7 to read as follows:

§ 43.7 Delegation of authority.

(a) *Authority.* The Commission hereby delegates, until it orders otherwise, to the Director of the Division of Market Oversight or such other employee or employees as the Director may designate from time to time, the authority:

(1) To determine whether swaps fall within specific swap categories as described in § 43.6(b);

(2) To determine and publish post-initial, appropriate minimum block sizes as described in § 43.6(f); and

(3) To determine post-initial cap sizes as described in § 43.4(h).

(b) *Submission for Commission consideration.* The Director of the Division of Market Oversight may submit to the Commission for its consideration any matter that has been delegated pursuant to this section.

(c) *Commission reserves authority.* Nothing in this section prohibits the Commission, at its election, from exercising the authority delegated in this section.

■ 6. Amend Appendix B to Part 43 to add the following contracts under the heading ''Energy'' after the existing listing for ''New York Mercantile Exchange New York Harbor Heating Oil'':

Appendix B to Part 43—Enumerated Physical Commodity Contracts and Other Contracts

* * * * *

Energy

* * * * *

ICE Futures SP–15 Day-Ahead Peak Fixed Price
ICE Futures SP–15 Day-Ahead Off-Peak Fixed Price
ICE Futures PJM Western Hub Real Time Peak Fixed Price
ICE Futures PJM Western Hub Real Time Off-Peak Fixed Price
ICE Futures Mid-Columbia Day-Ahead Peak Fixed Price
ICE Futures Mid-Columbia Day-Ahead Off-Peak Fixed Price
Chicago Basis
HSC Basis
Socal Border Basis
Waha Basis
ICE Futures AB NIT Basis
NWP Rockies Basis
PG&E Citygate Basis

* * * * *

■ 7. Add Appendix D to Part 43 to read as follows:

Appendix D to Part 43—Other Commodity Swap Categories

Other Commodity Group

Individual Other Commodity

Grains
- Oats
- Wheat
- Corn
- Rice
- Grains—Other

Livestock/Meat Products
- Live Cattle
- Pork Bellies
- Feeder Cattle
- Lean Hogs
- Livestock/Meat Products—Other

Dairy Products
- Milk
- Butter
- Cheese
- Dairy Products—Other

Oilseed and Products
- Soybean Oil
- Soybean Meal
- Soybeans
- Oilseed and Products—Other

Fiber
- Cotton
- Fiber—Other

Foodstuffs/Softs
- Coffee
- Frozen Concentrated Orange Juice
- Sugar
- Cocoa
- Foodstuffs/Softs—Other

Petroleum and Products
- Jet Fuel
- Ethanol
- Biodiesel
- Fuel Oil
- Heating Oil
- Gasoline
- Naphtha
- Crude Oil
- Diesel
- Petroleum and Products—Other

Natural Gas and Related Products
- Natural Gas Liquids
- Natural Gas
- Natural Gas and Related Products—Other

Electricity and Sources
- Coal
- Electricity
- Uranium
- Electricity and Sources—Other

Precious Metals
- Palladium
- Platinum
- Silver
- Gold
- Precious Metals—Other

Base Metals
- Steel
- Copper
- Base Metals—Other

Wood Products
- Lumber
- Pulp
- Wood Products—Other

Real Estate
- Real Estate

Chemicals
- Chemicals

Plastics
- Plastics

Emissions
- Emissions

Weather
- Weather

Multiple Commodity Index
- Multiple Commodity Index

Other Agricultural
- Other Agricultural

Other Non-Agricultural
- Other Non-Agricultural

■ 8. Add Appendix E to Part 43 to read as follows:

Appendix E to Part 43—Other Commodity Geographic Identification for Public Dissemination Pursuant to § 43.4(d)(4)(iii)

Registered swap data repositories are required by § 43.4(d)(4)(iii) to publicly disseminate any specific delivery point or pricing point associated with publicly reportable swap transactions in the ''other commodity'' asset class pursuant to Tables E1 and E2 in this appendix. If the underlying asset of a publicly reportable swap transaction described in § 43.4(d)(4)(iii) has a delivery or pricing point that is located in the United States, such information shall be publicly disseminated pursuant to the regions described in Table E1 in this appendix. If the underlying asset of a publicly reportable swap transaction described in § 43.4(d)(4)(iii) has a delivery or pricing point that is not located in the United States, such information shall be publicly disseminated pursuant to the countries or sub-regions, or if no country or sub-region, by the other commodity region, described in Table E2 in this appendix.

Table E1. U.S. Delivery or Pricing Points

Other Commodity Group
- Region

Natural Gas and Related Products
- Midwest
- Northeast
- Gulf
- Southeast
- Western
- Other—U.S.

Petroleum and Products
- New England (PADD 1A)
- Central Atlantic (PADD 1B)
- Lower Atlantic (PADD 1C)
- Midwest (PADD 2)
- Gulf Coast (PADD 3)
- Rocky Mountains (PADD 4)
- West Coast (PADD 5)
- Other—U.S.

Electricity and Sources
- Florida Reliability Coordinating Council (FRCC)
- Midwest Reliability Organization (MRO)
- Northeast Power Coordinating Council (NPCC)
- Reliability First Corporation (RFC)
- SERC Reliability Corporation (SERC)
- Southwest Power Pool, RE (SPP)
- Texas Regional Entity (TRE)
- Western Electricity Coordinating Council (WECC)
- Other—U.S.

All Remaining Other Commodities (Publicly disseminate the region. If pricing or delivery point is not region-specific, indicate ''U.S.'')
- Region 1—(Includes Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)
- Region 2—(Includes New Jersey, New York)
- Region 3—(Includes Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)
- Region 4—(Includes Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)
- Region 5—(Includes Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)
- Region 6—(Includes Arkansas, Louisiana, New Mexico, Oklahoma, Texas)
- Region 7—(Includes Iowa, Kansas, Missouri, Nebraska)
- Region 8—(Includes Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)
- Region 9—(Includes Arizona, California, Hawaii, Nevada)
- Region 10—(Includes Alaska, Idaho, Oregon, Washington)

Table E2. Non-U.S. Delivery or Pricing Points

Other Commodity Regions
- Country or Sub-Region

North America (Other than U.S.)
- Canada
- Mexico

Central America

South America
- Brazil
- Other South America

Europe
- Western Europe
- Northern Europe
- Southern Europe
- Eastern Europe (excluding Russia)

Russia

Africa
- Northern Africa
- Western Africa
- Eastern Africa
- Central Africa
- Southern Africa

Asia-Pacific
- Northern Asia (excluding Russia)

Central Asia
Eastern Asia
Western Asia
Southeast Asia
Australia/New Zealand/Pacific Islands

■ 9. Add Appendix F to Part 43 to read as follows:

Appendix F to Part 43—Initial Appropriate Minimum Block Sizes by Asset Class for Block Trades and Large Notional Off-Facility Swaps

Currency group	Currencies
Super-Major Currencies	United States dollar (USD), European Union Euro Area euro (EUR), United Kingdom pound sterling (GBP), and Japan yen (JPY).
Major Currencies	Australia dollar (AUD), Switzerland franc (CHF), Canada dollar (CAD), Republic of South Africa rand (ZAR), Republic of Korea won (KRW), Kingdom of Sweden krona (SEK), New Zealand dollar (NZD), Kingdom of Norway krone (NOK), and Denmark krone (DKK).
Non-Major Currencies	All other currencies.

INTEREST RATE SWAPS

Currency group	Tenor greater than	Tenor less than or equal to	50% Notional (in millions)
Super-Major		46 days	6,400
Super-Major	46 days	Three months (107 days)	2,100
Super-Major	Three months (107 days)	Six months (198 days)	1,200
Super-Major	Six months (198 days)	One year (381 days)	1,100
Super-Major	One year (381 days)	Two years (746 days)	460
Super-Major	Two years (746 days)	Five years (1,842 days)	240
Super-Major	Five years (1,842 days)	Ten years (3,668 days)	170
Super-Major	Ten years (3,668 days)	30 years (10,973 days)	120
Super-Major	30 years (10,973 days)		67
Major		46 days	2,200
Major	46 days	Three months (107 days)	580
Major	Three months (107 days)	Six months (198 days)	440
Major	Six months (198 days)	One year (381 days)	220
Major	One year (381 days)	Two years (746 days)	130
Major	Two years (746 days)	Five years (1,842 days)	88
Major	Five years (1,842 days)	Ten years (3,668 days)	49
Major	Ten years (3,668 days)	30 years (10,973 days)	37
Major	30 years (10,973 days)		15
Non-Major		46 days	230
Non-Major	46 days	Three months (107 days)	230
Non-Major	Three months (107 days)	Six months (198 days)	150
Non-Major	Six months (198 days)	One year (381 days)	110
Non-Major	One year (381 days)	Two years (746 days)	54
Non-Major	Two years (746 days)	Five years (1,842 days)	27
Non-Major	Five years (1,842 days)	Ten years (3,668 days)	15
Non-Major	Ten years (3,668 days)	30 years (10,973 days)	16
Non-Major	30 years (10,973 days)		15

CREDIT SWAPS

Spread group (Basis Points)	Traded tenor greater than	Traded tenor less than or equal to	50% Notional (in Millions)
Less than or equal to 175		Two years (746 days)	320
Less than or equal to 175	Two years (746 days)	Four years (1,477 days)	200
Less than or equal to 175	Four years (1,477 days)	Six years (2,207 days)	110
Less than or equal to 175	Six years (2,207 days)	Eight years and six months (3,120 days).	110
Less than or equal to 175	Eight years and six months (3,120 days).	Twelve years and six months (4,581 days).	130
Less than or equal to 175	Twelve years and six months (4,581 days).		46
Greater than 175 and less than or equal to 350.		Two years (746 days)	140
Greater than 175 and less than or equal to 350.	Two years (746 days)	Four years (1,477 days)	82
Greater than 175 and less than or equal to 350.	Four years (1,477 days)	Six years (2,207 days)	32
Greater than 175 and less than or equal to 350.	Six years (2,207 days)	Eight years and six months (3,120 days).	20
Greater than 175 and less than or equal to 350.	Eight years and six months (3,120 days).	Twelve years and six months (4,581 days).	26
Greater than 175 and less than or equal to 350.	Twelve years and six months (4,581 days).		63
Greater than 350		Two years (746 days)	66

CREDIT SWAPS—Continued

Spread group (Basis Points)	Traded tenor greater than	Traded tenor less than or equal to	50% Notional (in Millions)
Greater than 350	Two years (746 days)	Four years (1,477 days)	41
Greater than 350	Four years (1,477 days)	Six years (2,207 days)	26
Greater than 350	Six years (2,207 days)	Eight years and six months (3,120 days).	13
Greater than 350	Eight years and six months (3,120 days).	Twelve years and six months (4,581 days).	13
Greater than 350	Twelve years and six months (4,581 days).		41

FOREIGN EXCHANGE SWAPS

		Super-major currencies			
		EUR (Euro)	GBP (British pound)	JPY (Japanese yen)	USD (U.S. dollar)
Super-major currencies	EUR		6,250,000	6,250,000	18,750,000
	GBP	6,250,000*		6,250,000	6,250,000
	JPY	6,250,000*	6,250,000*		1,875,000,000
	USD	18,750,000*	6,250,000*	1,875,000,000*	
Major currencies	AUD	6,250,000*	0	10,000,000	10,000,000
	CAD	6,250,000*	0	10,000,000	10,000,000
	CHF	6,250,000*	6,250,000*	12,500,000	12,500,000
	DKK	0	0	0	0
	KRW	0	0	0	6,250,000,000
	SEK	6,250,000*	0	0	10,000,000
	NOK	6,250,000*	0	0	10,000,000
	NZD	0	0	0	5,000,000
	ZAR	0	0	0	25,000,000
Non-major currencies	BRL	0	0	0	5,000,000
	CZK	200,000,000	0	0	200,000,000
	HUF	1,500,000,000	0	0	1,500,000,000
	ILS	0	0	0	50,000,000
	MXN	0	0	0	50,000,000
	PLN	25,000,000	0	0	25,000,000
	RMB	50,000,000	0	50,000,000	50,000,000
	RUB	0	0	0	125,000,000
	TRY	6,250,000*	0	0	10,000,000*

All values that do not have an asterisk are denominated in the currency of the left hand side.
All values that have an asterisk (*) are denominated in the currency indicated on the top of the table.

OTHER COMMODITY SWAPS

Related futures contract	Initial appropriate minimum block size	Units
AB NIT Basis (ICE)	62,500	MMBtu
Brent Crude (ICE and NYMEX)	25,000	bbl.
Cheese (CME)	400,000	lbs.
Class III Milk (CME)	NO BLOCKS	
Cocoa (ICE and NYSE LIFFE and NYMEX)	1,000	metric tons
Coffee (ICE and NYMEX)	3,750,000	lbs.
Copper (COMEX)	625,000	lbs.
Corn (CBOT)	NO BLOCKS	bushels
Cotton No. 2 (ICE and NYMEX)	5,000,000	lbs.
Distillers' Dried Grain (CBOT)	1,000	short tons
Dow Jones-UBS Commodity Index (CBOT)	30,000 times index	dollars
Ethanol (CBOT)	290,000	gallons
Feeder Cattle (CME)	NO BLOCKS	
Frost Index (CME)	200,000 times index	euros
Frozen Concentrated Orange Juice (ICE)	NO BLOCKS	
Gold (COMEX and NYSE Liffe)	2,500	troy oz.
Goldman Sachs Commodity Index (GSCI), GSCI Excess Return Index (CME)	5,000 times index	dollars
Gulf Coast Sour Crude Oil (NYMEX)	5,000	bbl.
Hard Red Spring Wheat (MGEX)	NO BLOCKS	
Hard Winter Wheat (KCBT)	NO BLOCKS	
Henry Hub Natural Gas (NYMEX)	500,000	MMBtu
HSC Basis (ICE and NYMEX)	62,500	MMBtu
Hurricane Index (CME)	20,000 times index	dollars
Chicago Basis (ICE and NYMEX)	62,500	MMBtu

OTHER COMMODITY SWAPS—Continued

Related futures contract	Initial appropriate minimum block size	Units
...	...	
Lean Hogs (CME)	NO BLOCKS	
Light Sweet Crude Oil (NYMEX)	50,000	bbl.
Live Cattle (CME)	NO BLOCKS	
Mid-Columbia Day-Ahead Off-Peak Fixed Price (ICE)	250	MW/Hr.
Mid-Columbia Day-Ahead Peak Fixed Price (ICE)	4,000	MW/Hr.
New York Harbor RBOB (Blendstock) Gasoline (NYMEX)	1,050,000	gallons
New York Harbor No. 2 Heating Oil (NYMEX)	1,050,000	bbl.
NWP Rockies Basis (ICE and NYMEX)	62,500	MMBtu
Oats (CBOT)	NO BLOCKS	
Palladium (NYMEX)	1,000	troy oz.
PG&E Citygate Basis (ICE and NYMEX)	62,500	MMBtu
PJM Western Hub Real Time Off-Peak Fixed Price (ICE)	3,900	MW/Hr.
PJM Western Hub Real Time Peak Fixed Price (ICE)	8,000	MW/Hr.
Platinum (NYMEX)	500	troy oz.
Rainfall Index (CME)	10,000 times index	dollars
Rough Rice (CBOT)	NO BLOCKS	
Silver (COMEX and NYSE Liffe)	125,000	troy oz.
Snowfall Index (CME)	10,000 times index	dollars
Socal Border Basis (ICE and NYMEX)	62,500	MMBtu
Soybean (CBOT)	NO BLOCKS	
Soybean Meal (CBOT)	NO BLOCKS	
Soybean Oil (CBOT)	NO BLOCKS	
SP–15 Day-Ahead Peak Fixed Price (ICE)	4,000	MW/Hr.
SP–15 Day-Ahead Off-Peak Fixed Price (ICE)	250	MW/Hr.
Sugar #11 (ICE and NYMEX) (futures)	5,000	metric tons
Sugar #16 (ICE) (futures)	NO BLOCKS	
Temperature Index (CME)	400 times index	currency units
U.S. Dollar Cash Settled Crude Palm Oil (CME)	250	metrics tons
Waha Basis (ICE and NYMEX)	62,500	MMBtu
Wheat (CBOT)	NO BLOCKS	

Issued in Washington, DC, on May 16, 2013, by the Commission.

Christopher J. Kirkpatrick,

Deputy Secretary of the Commission.

Appendices to Procedures To Establish Appropriate Minimum Block Sizes for Large Notional Off-Facility Swaps and Block Trades—Commission Voting Summary and Statements of Commissioners

Note: The following appendices will not appear in the Code of Federal Regulations.

Appendix 1—Commission Voting Summary

On this matter, Chairman Gensler and Commissioners Chilton and Wetjen voted in the affirmative; Commissioners Sommers and O'Malia voted in the negative.

Appendix 2—Statement of Chairman Gary Gensler

I support the final block rule for swaps, which is critical to promoting transparency in this once opaque market. With this rule, the public will benefit from seeing the price and volume of the majority of swaps transactions in real time—as soon as technologically practicable—after a trade is executed. Further, with this rule the public will benefit from the competition that will arise as buyers and sellers must transact on transparent trading platforms.

The methodology for determining block sizes is appropriately tailored to vary by asset class and by underlying referenced product or rate.

The Commission also has established a phased-in approach for setting and implementing appropriate minimum block sizes. During an initial one-year period, block sizes in the interest rate and credit asset classes will be set such that 50 percent of the notional amount of a particular swap category will benefit from pre-trade and post-trade transparency. Also during this initial period, the block sizes for foreign exchange and other commodity asset classes will be based upon the block sizes that designated contract markets have set for economically related futures contracts.

After the initial period, the Commission will determine block sizes using a methodology that relies on the data collected by swap data repositories. Block sizes will be set such that 67 percent of the notional amount of a particular swap category will benefit from pre-trade transparency and enhanced post-trade transparency.

The rule also includes measures to protect the identities, market positions and business transactions of swap counterparties when their swap transactions and pricing are reported to the public.

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Part IV

Federal Maritime Commission

46 CFR Part 515

Amendments to Regulations Governing Ocean Transportation Intermediary Licensing and Financial Responsibility Requirements, and General Duties; Proposed Rule

FEDERAL MARITIME COMMISSION

46 CFR Part 515

[Docket No. 13–05]

RIN 3072–AC44

Amendments to Regulations Governing Ocean Transportation Intermediary Licensing and Financial Responsibility Requirements, and General Duties

AGENCY: Federal Maritime Commission.

ACTION: Advanced Notice of Proposed Rulemaking.

SUMMARY: The Federal Maritime Commission proposes to amend its rules governing the licensing, financial responsibility requirements and duties of Ocean Transportation Intermediaries. The proposed rule is intended to adapt to changing industry conditions, improve regulatory effectiveness, improve transparency, streamline processes and reduce regulatory burdens.

DATES: Comments are due on or before July 31, 2013.

ADDRESSES: Address all comments concerning this proposed rule to: Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001, Phone: (202) 523–5725, Email: *secretary@fmc.gov.*

FOR FURTHER INFORMATION CONTACT: Vern W. Hill, Office of the Managing Director, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001, Tel.: (202) 523–5800, Email: *OMD@fmc.gov.*

SUPPLEMENTARY INFORMATION:

Submit Comments

Non-confidential Comments and Information. For non-confidential comments submit an original and five (5) paper copies, and if possible, send a PDF of the document by email to *secretary@fmc.gov.* Include in the subject line: Docket No. 13–05, Comments on Ocean Transportation Intermediary Regulation Revisions.

Confidential Comments and Information. Confidential filings must be submitted in the traditional manner on paper, rather than by email. Comments and information that are submitted for confidential treatment must be submitted by mail or courier. Confidential filings must be accompanied by a transmittal letter that identifies the filing as ''confidential'' and describes the nature and extent of the confidential treatment requested. Responses to this request that contain confidential information must consist of (1) the complete filing and (2) be marked by the filer as ''Confidential-Restricted,'' with the confidential material clearly marked on each page. When a confidential filing is submitted, an original and one additional copy of the public version of the filing must be submitted. The public version of the filing should exclude confidential materials, and be clearly marked on each affected page, ''confidential materials excluded.'' The Federal Maritime Commission (FMC or Commission) will provide confidential treatment to the extent allowed by law for those submissions, or parts of submissions, for which the parties request confidentiality.

Questions regarding filing or treatment of confidential responses to this Advance Notice of Proposed Rulemaking (ANPR) should be directed to the Commission's Secretary, Karen V. Gregory, at the telephone number or email provided above.

Background

In 1998, Congress passed the Ocean Shipping Reform Act (OSRA), Public Law 105–258, 112 Stat. 1902, amending the Shipping Act of 1984 in several respects relating to ocean freight forwarders (OFFs) and non-vessel-operating common carriers (NVOCCs), defining both as ocean transportation intermediaries (OTIs). The Commission thereafter adopted new regulations at 46 CFR part 515 to implement changes effectuated by OSRA. *Licensing, Financial Responsibility Requirements, and General Duties for Ocean Transportation Intermediaries,* 28 SRR 629–654 (March 8, 1999). (Docket No. 98–28 Final Rule).

The Commission now proposes significant modifications to Part 515 for a variety of purposes, including addressing changes in industry conditions, streamlining internal processes, improving transparency, and removing unwarranted regulatory burdens. These changes reflect the Commission's experience in implementing the current regulations and address issues and questions that have arisen over time. The proposed rules also reflect recommendations adopted by the Commission in the *Final Report for Fact Finding Investigation No. 27, Potentially Unlawful, Unfair or Deceptive Ocean Transportation Practices Related to the Movement of Household Goods or Personal Property in U.S.-Foreign Oceanborne Trades,*[1] (Fact Finding 27 or Fact Finding 27 Final Report) and the Commission's grant of the petition for a declaratory order in Docket No. 06–08, *In the Matter of the Lawfulness of Unlicensed Persons Acting as Agents for Licensed Ocean Transportation Intermediaries,* 31 SRR 1058 (2009). Significant proposed changes are discussed below.

Subpart A—General

Section 515.2—Definitions

The Commission proposes to remove several definitions that are no longer relevant to the Commission's regulatory activities, including ''ocean freight broker'' (§ 515.2(n)), ''brokerage'' (§ 515.2(d)) and ''small shipment'' (§ 515.2(u)). The definition of ''Shipping Act'' (§ 515.2(u)) is substituted for the definition of ''Act'' (§ 515.2(a)) in light of the provisions of the Ocean Shipping Reform Act and the Coast Guard Authorization Act of 1998 having been superseded by the codification of those statutes into positive law.

In addition, the Commission proposes modifying the definition of ''person'' (§ 515.2(n)). The revised definition not only conforms with the definition of ''person'' in 1 U.S.C. 1, but also specifically includes ''limited liability companies'' within its ambit while retaining the current language that entities covered are those ''existing under or authorized by the laws of the United States or of a foreign country.''

The definition of ''principal'' (§ 515.2(o)) is revised to make it more concise and is not intended to change its meaning or scope. This definition has been carried forward over the decades substantially unchanged but always limited in focus to principals of licensed ocean freight forwarders. It was first promulgated pursuant to the Shipping Act, 1916, as amended, and carried forward in regulations implementing the Shipping Act of 1984 and OSRA.

It is significant that the type of principal referred to in this definition is the person or entity to whom a licensed ocean freight forwarder owes a fiduciary duty. In contrast, the use of the word ''principal'' in these regulations is focused upon an OTI's status (whether an NVOCC or a licensed ocean freight forwarder) as the principal with respect to the various types of agents that the OTI may employ to carry on its business.

The absence of a definition for ''principal'' where it refers to an OTI acting as the principal is consistent with the Commission's decision in 1999 not to define the term agent when implementing the OSRA amendments. There the Commission reasoned that

[1] *http://www.fmc.gov/assets/1/Documents/Fact%20Finding%2027%20Report.pdf.*

defining ''agent'' was unnecessary ''because the term is used . . . to reflect the large body of agency law. The Commission does not want to inappropriately alter that definition, thus limiting or conflicting with the law relied on by the shipping industry in applying these regulations.'' Docket No. 98–28 Final Rule, *supra* at 28 SRR 651. The Commission adheres to its prior view that there is no need to define further the term ''principal'' in such contexts.

The definitions of ''freight forwarding services'' (§ 515.2(h)) and ''non-vessel-operating common carrier services'' (§ 515.2(k)) are also revised to better reflect OTIs' current practices and terminology. For example, ''freight forwarding services'' are revised to include preparation of ''export documents, including required 'electronic information,'" rather than being limited to preparation of paper-based export declarations (§ 515.2(h)(2)). OFF and NVOCC services are both revised to include preparation of ocean common carrier and NVOCC bills of lading ''or other shipping documents'' (§ 515.2(h)(5) and § 515.2(k)(4)). These definitions currently refer to preparation of bills of lading ''or equivalent documents.'' The change ensures that the services cover preparation of the documents pursuant to which cargo is transported whether or not they are ''equivalent'' to ''ocean bills of lading,'' as provided in the current definition of ''freight forwarding services.'' 46 CFR § 515.2(h)(5).

The definition of ''advertisement'' is new along with a related new provision in section 515.31(j). Section 515.31(j) provides that OTIs and their agents (at the direction of their OTI principals) must include the OTI's name, license or registration number on all advertisements; are prohibited from including false or misleading information in ads and creates a rebuttable presumption that an entity that advertises OTI services has performed those services.

Also new is the definition of ''registered non-vessel-operating common carrier,'' which identifies NVOCCs that are located outside of the United States and opt to register rather than to obtain a license. The term ''qualifying individual'' (QI) is added and defines QI as an individual that is an employee of a licensed OTI who is age 21, or older, is responsible for general supervision of the licensee's OTI operations and meets the Shipping Act's experience and character requirements. The definition reflects the intention that a licensee's QI cannot be someone that is nominally responsible for OTI operations while not actively involved in assuring that OTI functions are properly carried out. Hence, the QI must be responsible for ''general supervision'' of OTI operations. The QI must have that responsibility at the time a license is issued and must thereafter continue to exercise that responsibility. The OTI must timely replace the QI, as provided by the Commission's rules, when the designated QI ceases to exercise such supervision on behalf of the licensee.

Section 515.3—License; When Required

This section is modified to delete, as unneeded, a requirement that ''separately incorporated branch offices'' must be licensed when they serve as agent of a licensed OTI. All separately incorporated entities that perform OTI services, for which they assume responsibility for the transportation, are covered by the requirements that they be licensed and otherwise comply with the financial responsibility obligations of Part 515. The Commission also deletes the requirement that only licensed intermediaries in the United States may perform OTI services on behalf of ''an unlicensed ocean transportation intermediary'' (i.e., foreign-based NVOCCs), substituting in its stead the requirement that ''registered NVOCC[s]'' must use licensed OTI agents in the United States with respect to OTI services performed in the U.S.

Section 515.4—License; When Not Required

Section 515.4(b)—Branch Offices. The Commission proposes to eliminate the regulatory burden associated with procuring and maintaining additional financial responsibility to cover an OTI's unincorporated branch offices by deleting the reference to obtaining additional financial responsibility. A corresponding change is made to section 515.21(a)(4). The rule also proposes to delete section 515.4(d), which refers to ocean freight brokers, as it is no longer needed.

Section 515.5—Forms and Fees

Section 515.5(b) is modified to provide that all license applications and registration forms must be filed electronically unless a waiver request to file on paper is granted by the Director of the Bureau of Certification and Licensing. Electronic filing anticipates the eventual implementation of on-line filing and processing of applications and forms. Section 515.5(c)(1) has been added and requires OTIs to pay any applicable fees within ten (10) business days of the time of submission of such applications and forms. This may be modified, however, should the Commission develop the ability to receive on-line payments by credit or debit cards. Failure to make timely payment will cause an application or registration to be rejected. Section 515.5(c)(2) is added and will set out all fees applicable under Part 515 (e.g., fees for filing of license applications and registrations).

Subpart B—Eligibility and Procedure for Licensing; Procedure for Registration

Section 515.11—Basic Requirements for Licensing; Eligibility

The Commission proposes to clarify, in section 515.11(a), that the licensing requirements in section 19 of the Shipping Act, 46 U.S.C. 41107–41109, apply to the applicant as a whole and, for that reason, require the Commission to consider the character of the principal owners and officers of applicants, as well as that of the QI. This reflects the Commission's current practice.

Section 515.11(a)(1) is modified to require that the licensee's QI must have three years of ''relevant and diverse experience'' in performing OTI activities. The description of the types of experience required is intended to assure that a QI has experience handling virtually every aspect of an OTI's operations so that those under the QI's direction can be guided through complex shipments and problems as they arise. This requirement complements the definition of QI contained in section 515.2(p) that provides that the QI is ''responsible for general supervision'' of the applicant's OTI operations. This paragraph also defines ''principal shareholder'' as one who owns directly, indirectly or constructively 5 percent or more of the total combined voting power or 5 percent or more of the combined value of all classes of the OTI's shares. This threshold does not apply to equity owners such as mutual funds and exchange traded funds as it is not likely that such shareholders will have a direct role in operation of the OTI.

The current content of section 515.11(a)(2) is deleted as unnecessary in view of § 515.21 and § 515.22. Section 515.11(a)(2), as proposed, now provides that the three years of OTI experience required for a license may not be met by working for an unlicensed, unbonded or unregistered OTI. In other words, to qualify, relevant and diverse OTI experience must be obtained working for: Licensed or registered OTIs; foreign-based OTIs bonded under the Commission's current rules; a vessel

operating common carrier; or, as an employee of a cargo owner.

The current content of section 515.11(a)(3) is no longer needed, and is deleted, as it provided for NVOCCs that had tariffs and financial responsibility in place at the time the OSRA licensing requirements came into effect to be temporarily grandfathered pending promulgation of regulations. The replacement paragraph, as proposed, makes clear the Commission may consider all information relevant to the determination of whether the applicant has the necessary character to render OTI services. Types of information that may be considered include, but are not limited to: Violations of any shipping laws, or statutes relating to the import, export or transport of merchandise in international trade; operating as an OTI without a license or registration; state and federal felonies and misdemeanors; voluntary and non-voluntary bankruptcies not discharged; tax liens; court and administrative judgments and proceedings; non-compliance with immigration status requirements; and denial, revocation, or suspension of a Transportation Worker Identification Credential or of a customs broker's license. It will be noted that the requirements in section 515.11(a)(2) (prohibiting reliance upon experience acquired with an unlicensed, unregistered, or unbonded OTI), along with section 515.11(a)(3), changes the Commission's current practice, in certain circumstances, of allowing use of unlicensed experience to qualify an individual to become licensed or become a QI when an applicant has sufficient qualifying experience.

Section 515.11(b)(4) is added to identify the positions within the management structure of an LLC that are eligible to be designated as QI. An ''officer'' of an LLC may be the QI if the LLC's operating agreement so provides.

Section 515.11(b)(2)–(4) also indicate that the QI for partnerships, corporations and LLCs are responsible for the ''general supervision'' of the licensee's OTI operations. This reinforces the identical requirement in the definition of QI.

A new section 515.11(e) is added to provide that a foreign-based NVOCC that opts to obtain a license rather than register is required to establish a presence in the United States by opening an unincorporated office that is operated by a *bona fide* employee and qualifies to do business where it becomes resident. This provision reflects the Commission's 1999 clarification that in order for a foreign-based NVOCC to obtain a license it ''must set up an unincorporated office that is resident in the United States.'' Docket No. 98–28, *Licensing, Financial Responsibility Requirements, and General Duties for Ocean Transportation Intermediaries,* 28 SRR 667, 668 (FMC 1999). Failure to establish and maintain such an office may result in termination or revocation of a license pursuant to section 515.16(a)(9).

Section 515.12—Application for License

Section 515.12(a) is revised to clarify instructions on filing a license application, including the payment of fees, and to provide that the Commission shall publish notice of filings of applications on its Web site, *www.fmc.gov.* **Federal Register** publication of applications will be discontinued. Section 515.12(b) is revised to provide for rejection of applications that are facially incomplete or where the applicant fails to meet the requirements of the Shipping Act or the Commission's regulations. The application fee is returned to the applicant along with a statement of reasons for the rejection. A new section 515.12(c) establishes a process pursuant to which the Bureau of Certification and Licensing (BCL) shall close applications where applicants fail to timely provide information or documents needed for review. The date for submission of such information will be provided by BCL to the applicant. Applicants whose applications are closed may reapply at any time.

Section 515.12(e) is superseded by the electronic filing requirement in section 515.5(b). Section 515.12(e) currently provides for an optional method for OTIs to electronically file these forms and pay lower fees than for filing paper forms. The fees for a license application will be set out in section 515.5(c)(2).

Section 515.14—Issuance, Renewal, and Use of License

Section 515.14(c) is new. It requires that OTI licenses be issued for an initial two year period and renewed every two (2) years. Section 515.4(d) is also new and requires licensees to submit a license renewal application form 60 days prior to the expiration date of their license. This paragraph also provides that a new license bear an expiration date on the same day and month as the date on which the license is originally issued, with the expiration day and month remaining the same for successive renewals regardless of the date a renewal form is submitted or the date a renewed license is issued. This feature provides ongoing certainty to the licensee as to its status.

The proposed renewal process for OTIs is straightforward as their license will be issued with expiration dates by which renewal must be completed. The license renewal requirement is intended to ensure that information essential to the Commission's oversight of OTIs is verified periodically. Renewal will require licensed OTIs to update their QIs' identification and contact information, changes in business or organization, trade names, tariff publication information, physical address, and electronic contact data.

In proposing this change, the Commission is mindful that no expiration dates are included on the licenses of the approximately 4,500 OTIs that are currently licensed. Accordingly, a process is needed to allow these OTIs to renew their licenses without unreasonable burden or processing delays that may occur if large numbers of renewal applications are submitted all at once. The Commission seeks comments from the public as to the process they consider would best achieve this goal. For example, would email notification by BCL to each such licensee of the expiration date assigned by BCL enable these OTIs to renew their licenses without confusion?

Failure to renew a license by providing the required information and fee may result in revocation or suspension of the license pursuant to section 515.16. This renewal process, however, will not trigger a detailed Commission review or consideration of the character and eligibility of existing licensed OTIs except when an OTI supplies information that requires such review or approval pursuant to section 515.20. A copy of the license renewal form is included at the end of this Supplementary Information. Public comments on this form are also requested.

Section 515.15—Denial of License

The hearing provisions in section 515.15(c) are revised to refer to the new hearing procedures set forth in section 515.17. Such hearings are currently conducted pursuant to the adjudicatory hearing procedures in Part 502 of the Commission's regulations.

Section 515.16—Revocation or Suspension of License

Section 515.16(a) is revised to also refer to the new hearing procedures set forth in section 515.17. The grounds for revocation or suspension of a license listed in this paragraph are reordered and section 515.16(a)(2) is revised to provide for a license revocation or suspension when an OTI fails to respond to a lawful order or request of

the Commission or an authorized Commission representative. Section 515.16(a)(3) provides that a license may be revoked or suspended when an OTI makes a materially false or misleading statement to the Commission in connection with an application for, amendment to, or renewal of, a license. Section 515.16(a)(6) is added to provide for revocation or suspension of an NVOCC's license for failure to (1) file a Form FMC–1 within 120 days of being notified that its license application had been approved or (2) maintain a Form FMC–1 and a published tariff. Section 515.16(a)(10) is added to provide that a license may be revoked or suspended for any act, omission or matter upon which a new license application may be denied pursuant to section 515.15.

A new § 515.16(a)(7) provides that an NVOCC's license may be revoked or suspended if it knowingly and willfully accepts cargo from, processes, books, or transports cargo for an OTI that does not have an OTI license or has not registered, or fails to provide proof of financial responsibility. 46 U.S.C. 41104(11). Section 515.16(a)(9) is added to provide that a foreign-based NVOCC that elects to become licensed may have that license terminated or suspended for failure to establish or maintain an unincorporated office operated as required by section 515.11(e).

Section 515.16(b) is revised to provide for publication of notices of revocation and suspension on the Commission's Web site.

Section 515.17—Hearing Procedures Governing: Denial, Revocation, or Suspension of OTI Licenses

The proposal would streamline appeal procedures for denial of OTI license applications, and for revocation or suspension of OTI licenses. Currently, such appeals regarding licenses are conducted under the Commission's Rules of Practice and Procedure, published at 46 CFR Part 502, and provide for full evidentiary hearings, a process that is often lengthy and expensive. Rather than applying a formal full hearing process for such denials, revocations or suspensions, this section provides for a more efficient process for each type of delegated action.

After the hearing officer's decision is rendered, an OTI may seek review of the decision by the Commission pursuant to § 501.21(f)(1), which provides for review of an action taken under delegated authority upon the filing of a petition. Specifically, section 515.17(a) provides that requests for hearing under sections 515.15 (license denials) and 515.16 (license revocations and suspensions) are to be referred to the Commission's General Counsel, which will designate a hearing officer for review and decision.

BCL will provide to the hearing officer a copy of the notice given to the applicant or licensee and BCL's materials supporting the notice upon being advised by the hearing officer that a hearing request has been made. The hearing officer will provide a copy of BCL's material, not otherwise privileged, to the requesting party along with a notice advising the party of its right to submit written argument, affidavits of fact, other information, and documents within 30 days of the date of the notice. BCL will submit its response no later than 20 days after the submission by the requesting party. These records and submissions shall constitute the entire record for decision upon which the hearing officer's decision will be based. The hearing officer's decision is to be issued within 40 days of the record being closed.

Section 515.19—Registration of Foreign-Based Non-vessel-Operating Common Carriers

This section establishes new requirements applicable to NVOCCs located outside the United States that wish to provide NVOCC services in the U.S. foreign trade. Foreign-based NVOCCs that choose to operate as registered NVOCCs, rather than obtaining a license, must submit a registration form, the required fee and evidence of financial responsibility pursuant to section 515.21(a)(3). New and renewal registrations will be issued for periods of two years. Registrations will be renewed by submission of an updated registration form and required fee.

There are currently approximately 1,200 NVOCCs not located in the U.S. that have provided proof of financial responsibility and published a tariff covering their services in the U.S. trades. The Commission currently has no formal process for identifying these foreign-based NVOCCs. The Commission intends that they be registered in a methodical, but expeditious, manner. The Commission requests the public to comment on a process to be used by the Commission to best accomplish the goal of registering such foreign-based NVOCCs with a minimum of burden or processing delays.

This registration is not an OTI license. In addition to the current requirements to provide proof of financial responsibility, publish a tariff, and file a Form FMC–1, registrants would be required to submit limited additional information on a registration form. No inquiry by the Commission is made into the experience or character of these registrants. Completed registrations become effective upon receipt by the Commission, provided they meet the other requirements for foreign-based NVOCCs.

The registration form submitted by foreign-based NVOCCs will provide a concise source of information, including the registrant's legal name, trade names under which it operates, principal business address, telephone and fax numbers, contact person with email address, and U.S. resident legal agent contact and address information. A copy of the new registration form is included at the end of this Supplementary Information. Public comment is also requested on this form.

The registration form will allow the Commission to become better informed about the identity of foreign-based NVOCCs operating in the U.S. trades without a license and, consequently, to better protect the public under the Shipping Act. The increased transparency provided by this section is furthered by the provision in section 515.3 clarifying that foreign-based NVOCCs must use only licensed OTIs as agents to perform NVOCC services in the United States. This provision is in furtherance of section 10(b)(11) of the Shipping Act, 46 U.S.C. 41104(11), which prohibits common carriers from knowingly or willfully accepting cargo from or transporting cargo for NVOCCs that do not have financial responsibility in place or have not published a tariff. Moreover, the Commission has strongly signaled that it desires the shipping public, vessel operating common carriers, and NVOCCs to deal only with licensed or registered NVOCCs. Docket No. 06–01, *Worldwide Relocations, Inc., et. al., Possible Violations of Sections 8, 10, and 19 of the Shipping Act of 1984 as Well as the Commission's Regulations at 46 CFR 515.13, 515.21, and 520.3,* 32 SRR 495, 505 (2012). (*Worldwide Relocations*). Section 515.19(f) requires registered NVOCCs to report changes to their legal and trade names, address and contact information for their principal place of business and contact person. Section 515.19(g) informs registered NVOCCs of grounds upon which the Commission may base terminations or suspensions of the effectiveness of a registration. Section 515.19(g) also provides that a registrant may request a hearing using the procedural steps set out in § 515.17 governing hearing requests.

Section 515.20—Changes in Organization

The content in this section (moved from § 515.18) removes, as unneeded, the provision that specifically requires separately incorporated branch offices to obtain their own licenses. All separately incorporated entities that provide OTI services in their own right are required to be licensed, irrespective of whether they are related to another incorporated OTI.

Section 515.20(c) is modified to provide that OTIs operating as partnerships, corporations or LLCs must submit a report within 15 business days when their QI ceases to serve as a full-time employee of the OTI or when the QI is no longer responsible for the general supervision of the licensee's OTI activities. New content is added to section 515.20(e) identifying changes to a licensee's organization that must also be reported to the Commission on an ongoing basis, such as changes in business address, criminal conviction or indictment of the licensee, QI or its officers and changes of 5 percent or more in the common equity ownership or voting securities of the OTI. No fee will be charged for filings pursuant to section 515.20(e).

Subpart C—Financial Responsibility Requirements; Claims Against Ocean Transportation Intermediaries

Section 515.21—Financial Responsibility Requirements

The Commission proposes increasing OTI financial responsibility levels in section 515.21 to reflect inflation and the fact that, in recent years, these levels have proven inadequate to provide security sufficient to cover claims against OTI bonds. For example, the bonds of Global Ocean Freight, Inc. (Organization No. 018485) (license revoked April 4, 2009) and Pacific Atlantic Lines, Inc. (Organization No. 018407) (license revoked November 19, 2011) proved inadequate to cover claims of shippers and others.

With respect to Global Ocean Freight, Inc., the OTI's surety received and paid a single shipper claim for $36,170.12 before it had knowledge of any of the numerous other claims. As a result, only $38,829.88 of the $75,000 bond then remained available to divide among sixty-nine (69) subsequent claimants. Those 69 claims totaled $636,203.46. Hence, as a group those claimants received 6.1 percent of the total amount claimed. With respect to Pacific Atlantic Lines, Inc., the claims made against the bond totaled $549,192.59 by nineteen claimants. Hence, the $75,000 bond covered approximately 13.7 percent of the total claimed. Two vessel operating common carrier claimants received almost $52,000 of the $75,000 bond.

The adequacy of bonds or other forms of financial responsibility to compensate those injured by OTIs is specifically addressed by the requirements of the Shipping Act (46 U.S.C. 40902). In light of its experience, the Commission is concerned that the current financial responsibility levels are inadequate. Accordingly, to improve protection to claimants, the Commission proposes to increase the ocean freight forwarder financial responsibility amount from $50,000 to $75,000; the NVOCC amount from $75,000 to $100,000; and $200,000 for registered NVOCCs (an increase from $150,000, which is currently applicable pursuant to section 515.21(a)(3) to ''unlicensed foreign-based entities'' providing NVOCC services). Section 515.21(a)(3) is also revised to clarify that registered OTIs are strictly responsible for the acts or omissions of their employees and agents, wherever they are located. Proposed section 515.21(b) requires group financial responsibility to be increased from $3,000,000 to $4,000,000 in aggregate.

In addition, the Commission proposes, in section 515.21(a)(4), to require OTIs to restore their bond, insurance or surety to the required amounts when claims have been paid. OTIs must restore the applicable financial responsibility amount within 60 days of a claim being paid. It is estimated that 60 days is sufficient time for financial responsibility to be restored to the required amount or, if a financial responsibility provider is inclined to terminate the financial responsibility, for the instrument to be terminated. The proposal would prohibit OTIs from accepting new business until the OTI furnishes proof that the financial responsibility amount has been restored to the amount required by the Commission's regulations. Failure to restore the financial responsibility will result in immediate license or registration revocation.

The Commission understands that a requirement that financial responsibility amount be replenished would not result in increased cost to OTIs at the time the financial responsibility is first issued. The replenishment requirement thus does not appear to be a barrier to entry by small OTIs. However, the Commission also understands that where substantial claims are later made against a bond, the surety may question the credit worthiness of the OTI and may demand a higher premium or increased collateral before it will replenish the bond or, as they may do now, the provider may decide to terminate the OTI's bond. Because this is a new element that changes how financial responsibility instruments operate, comments from surety companies, financial responsibility providers or other interested parties, as well as the affected OTIs, are especially requested.

Because the approximately 5,900 licensed OTIs and foreign-based NVOCCs that have existing financial responsibility in place will need to conform to the increased amounts, the Commission includes a new section 515.21(e) permitting individual OTIs, groups or associations to increase their financial responsibility by bond rider or by arranging for a new instrument of financial responsibility. OTIs that implement the increase by rider must assure that any instrument of financial responsibility that supersedes the one amended by rider meets the increased levels. This approach closely tracks the process previously adopted by the Commission. Docket No. 98–28 Final Rule, *supra* at *28* SRR 646.

Section 515.23—Claims Against an Ocean Transportation Intermediary

The Commission proposes to amend this section by establishing priorities for claims made against OTI bonds whereby claims of shippers and consignees are given precedence over common carriers and commercial creditors. The Commission understands that financial responsibility providers currently do not prioritize among claims against an OTI bond. In one instance, a claimant was paid in full because its claim preceded other claims by a number of months. The remainder of the bond was shared among a large number of claimants proportionate to their claimed losses. The Commission has also observed that carriers may continue to extend credit to NVOCCs until the amounts owed them are excessively high, notwithstanding that they are in a much better position than others to limit their losses to such NVOCCs. It is in this context that the Commission considers it necessary to establish a priority system to provide more protection for shippers. In order to provide better and more accurate information as to claims being made on OTIs' financial responsibility, additional reporting has been incorporated into the financial responsibility forms required by the Commission's regulations and which are included at the end of the draft rule.

Section 515.23(c) and (d) create three tiers of payment priorities for claims the financial responsibility provider finds valid: (1) Shipper and consignee claims;

(2) claims by common carriers, ports, terminals, and other third party creditors with respect to claims arising out of OTI activities; and (3) claims by the Commission under the Shipping Act. Claims in tier (1) must be satisfied before claims in tier (2) are paid, with tier (3) being paid only after claims in tiers (1) and (2) are satisfied.

Section 515.23(e) establishes requirements for common carriers, marine terminal operators and financial responsibility providers (pursuant to the terms of the financial instrument forms contained in the ANPR) to submit notice to BCL of court actions or claims filed or claims received (in the case of the providers). Those notices of court actions and claims will be published on the Commission's Web site for information purposes only. The notices would not be intended to indicate the merits or outcome of such actions or to indicate violations of the Shipping Act, the Commission's regulations or any other statute or regulation. For example, the general notices will provide shippers with timely information relevant to other parties' commercial experience with a particular OTI, whether or not a shipper pursues a claim of its own in court or with the financial responsibility provider.

Section 515.23(f) sets forth a mechanism for engaging the priority system established in sections 515.23(c) and (d). Financial responsibility providers must consult the notices of court actions and claims published on the Commission's Web site when they receive a claim. See, section 515.23(f)(1). If the provider finds a notice on the Web site involving the same OTI, section 515.23(f)(2) provides that the provider must defer payment of claims for a period of 5 months in order to allow any other claimants to file. Section 515.23(f)(3) provides that payment of a claim for an amount that is more than 20 percent of the face amount of the instrument of financial responsibility must not be made for 5 months after the date the claim is received. This section addresses the situation presented by Global Ocean Freight, Inc., where the priority system would be undermined if such a large claim was paid without a delay to allow other shipper claimants, if any, to file claims and obtain the benefit of the priority system.

All common carriers, marine terminal operators and financial responsibility providers are requested to provide comments on all aspects of the priority system established in section 515.23(c)–(f).

The process provided in section 515.23(b)(2) to address situations where the OTI and the person seeking payment from the available financial responsibility are unable to agree on the amount of a claim, is shortened overall by thirty days in order to speed resolution of claims that do not involve the filing of a complaint with the Commission.

Financial responsibility providers are also requested to respond as to their company's experience to the following questions, but without disclosing the identities of OTIs:

(1) How many claims and their total dollar amount were made during the period 2009 through 2012 against OTI financial responsibility instruments provided by you?

(2) How many claims (and their total dollar amount) did you pay?

(3) How many individual claims were paid that exhausted the entire financial responsibility amount for the instrument; and as to these claims, what was the total amount of the claims sought by claimants (as opposed to the amount that you paid out)?

(4) How many claims received only a fraction of the amount sought due to other claims exhausting the bond's value?

Section 515.24—Agent for Service of Process

Section 515.24(b) is revised to provide for service of process by regular mail or courier service on the legal agents of NVOCCs that are not ''in the United States.'' See, 46 U.S.C. 40901. The current rule requires such service to be made using certified mail, return receipt requested.

As a general matter, section 515.24(c) in the draft rule is revised to help ensure that consumers and other claimants can perfect service of process on such NVOCCs for as long as such NVOCC's financial responsibility remains available to cover valid claims. Strict interpretations of section 515.24 may lead to situations where no service can be made on such a foreign-based NVOCC via a legal agent in the United States and the Commission's Secretary likewise would not be authorized to act as the alternate legal agent for the NVOCC because the agent was not dead, disabled or unavailable as required by the current rule.

In at least one instance known to the Commission, a licensed foreign-based NVOCC surrendered its license and terminated its tariff (and, hence, becoming an NVOCC not in the U.S.) thereby frustrating all efforts for it to be served under the current rules. This result appears to defeat Congress' intent behind the resident agent requirement when, in 1990, it first required NVOCCs to provide financial responsibility:

> The requirement that foreign NVOCCs designate a resident agent in the United States for receipt of judicial or administrative process will permit the FMC and private parties to initiate and conduct proceedings against foreign-based NVOCCs without the difficulties inherent in effecting service of process overseas. This should significantly assist the FMC in its regulation of the NVOCC industry and its enforcement of the 1984 Act.

H.R. Rep. No. 101–785, at 3 (1990).

Section 515.24(c) is revised to clarify that the Commission's Secretary shall be deemed to be the legal agent for service of process when U.S. legal agents of NVOCCs that are not ''in the United States'' are unable to be served because of death, disability, or unavailability but also in situations where such designations are terminated or expired. Also, authority is added for the Secretary to act as legal agent where such an NVOCC does not publish its legal agent's name and contact information in its tariff as required by the Commission's regulations. These changes help ensure that the Secretary can serve as alternate legal agent in circumstances that do not fit within the current rule's reasons triggering the Secretary's authority.

A complementary addition is made to section 515.24(c) to provide that the designation of the Secretary as legal agent shall survive the entire period during which claims may be made against the financial responsibility instrument, including when a foreign-based NVOCC's license (*i.e.,* where such foreign-based NVOCC elected to become licensed) or tariff are surrendered, cancelled or terminated. This addition also makes it clear that the continuation of the designation is unaffected by the ineffectiveness of such NVOCC's license or tariff. Taken together, these changes will help protect consumers and other claimants from actions to avoid service.

Section 515.25—Filing of Proof of Financial Responsibility

Section 515.25(a)(1) is revised to clarify that an application for a license will be invalid, and approval rescinded, if the required proof of financial responsibility is not filed within 120 days of notification of license approval. The rule provides that applicants whose applications have become invalid may submit a new Form FMC–18, with the required fee, at any time. The section also provides that an NVOCC's registration will not be effective until the registrant has furnished proof of financial responsibility, filed a Form FMC–1 and published a tariff.

Section 515.26—Termination of Financial Responsibility

This section is revised to provide that licenses and registrations may be revoked without hearing or other proceeding in the event that the required financial responsibility is terminated.

Section 515.27—Proof of Compliance—NVOCC

Section 515.27(a) has been revised to restate the paragraph to make clear that no common carrier shall ''knowingly and willfully'' transport cargo for an NVOCC unless the common carrier has determined that the NVOCC has a license or registration, has published a tariff and has provided proof of financial responsibility. Section 515.27(b)(2) has been revised to insert the Commission's web address as a location that common carriers can consult to verify an NVOCC's status.

Subpart C Appendices

Appendices A through F are removed from their current location between section 515.27 and section 515.31, and moved to the end of Part 515. The Commission believes that making all of the substantive sections appear uninterrupted by moving these forms to the end will make use of Part 515 less cumbersome.

Subpart D—Duties and Responsibilities of Ocean Transportation Intermediaries; Reports to Commission

Section 515.31—General Duties

As referenced above, this section reflects the Commission grant of the petition for a declaratory order in Docket No. 06–08, *In the Matter of the Lawfulness of Unlicensed Persons Acting as Agents for Licensed Ocean Transportation Intermediaries,* 31 SRR 1058 (2009),[2] by ensuring that the agency relationship is disclosed in all documents that are related to the transportation provided by the OTI principal or on its behalf. In its order granting the petition, the Commission ordered ''that it is lawful for a licensed OTI to engage an unlicensed person to act as its agent to perform OTI services on behalf of the disclosed licensed OTI.'' In keeping with the court's decision in *Landstar Express,* this section imposes requirements on OTI principals.

Section 515.31(a) and (b) are amended to clarify that OTIs must include their names and license or registration numbers on all shipping documents and communications (including written, printed and electronic communications), and require their agents to include the OTI principal's name, license or registration number on all shipping documents issued on behalf of the OTI. Consistent with the common law of agency, this section is also amended to provide that an entity that issues shipping documents in its own name is presumed to be operating in its own name and not on behalf of a licensed or registered OTI. Restatement Third, Agency §§ 1.02 and 1.04 (2006).

Section 515.31(c) is revised to provide that an OTI is not permitted to allow its name, license, license number, or registration number to be used by anyone that is not its employee or agent. This paragraph clarifies that an OTI that provides OTI services in its own name, in addition to acting as an agent for another licensed OTI, must itself be licensed as an OTI. OTIs are prohibited from using an agent to provide OTI services in the United States unless the agent includes the required information regarding its OTI principal in all shipping documents issued on its principal's behalf.

In addition to placing an obligation on all OTIs to promptly respond to requests for all records and books of accounts made by authorized Commission representatives, section 515.31(g) now clarifies that OTI principals are responsible for requiring that their agents promptly respond to requests directed to such agents.

Section 515.31(j) is added and requires OTIs to include the OTI's name, license or registration number in all advertisements. OTIs are also prohibited from including false or misleading information in such advertisements. Additionally, OTIs must require (1) that their agents include this information (the OTI principal's name, license or registration number) on shipping documents covering the principal's shipments and (2) that agents do not include false or misleading information in advertisements.

These advertisement provisions incorporate the core of two recommendations adopted by the Commission in Fact Finding 27. One recommendation calls for a rulemaking ''to develop a more general and comprehensive definition of the matters, items and actions'' which give rise to acting as an OTI in the household goods area.[3] The Fact Finding 27 (''FF 27'') report elucidated:

> The record developed in FF 27 demonstrates that unlicensed OTIs, operating without the protection of a bond or other surety, and without publishing a tariff, routinely advertise their ocean transportation intermediary services in the electronic and print media. Further, many unlicensed OTIs advertise and promote their services on their own Web sites and through industry data bases and Web sites targeting household goods shippers. It is common for these unlicensed operators to advertise that they are ''FMC Approved.'' Consumers, particularly inexperienced international shippers, are easily deceived by these advertisements into using the services of unlicensed, unbonded operators.

Fact Finding 27 Final Report at 37.

The second recommendation in Fact Finding 27 advocates a rulemaking to require that OTIs ensure that ''their bona fide agents to include the OTI/principal's name and license number on all stationery, billing forms, and all papers and invoices. . . .''[4] Though these recommendations addressed problems with respect to the manner in which household goods OTIs hold out their services to the public, these problems are common with respect to OTIs transporting general cargo and consolidated shipments that may include household goods. Therefore, the proposed rule would apply this requirement to all OTIs.

Section 515.31(j)(3) further provides that where an entity advertises OTI services, with no indication that it is acting as an agent for its OTI principal, a presumption arises that the entity has performed the services offered in the advertisement as a principal. Fact Finding 27 Final Report urged such a presumption be adopted:

> The Commission should also adopt a legal presumption that the failure to disclose the agent/principal relationship and the principal's FMC license number on the shipping document will give rise to a presumption that the issuer of the document is engaged in unlicensed OTI activity, unless otherwise licensed and bonded.

Fact Finding 27 Report at 38. In adopting Motion #20 in Fact Finding 27, the Commission approved ''appropriate presumptions that would apply where such disclosure is not made.'' Final Report, Attachment: Motions for Commission Meeting May 11, 2011, Motion #20 at page 4.

The presumptions in proposed section 515.31(a) (that an entity is

[2] The Commission granted the petition to the extent consistent with the court's decision in *Landstar Express America, Inc.* v. *Federal Maritime Commission,* 569 F.3d 493 (D.C. Cir. 2009) (*Landstar Express).*

[3] Fact Finding 27 Final Report, Attachment: Motions for Commission Meeting May 11, 2011, Motion #19 at 4.

[4] Fact Finding 27 Final Report, Attachment: Motions for Commission Meeting May 11, 2011, Motion #20 at 4.

presumed to be operating in its own name when it issues shipping documents without including the name and license or registration number of an OTI), and in 515.31(j)(3) (the entity advertising OTI services is presumed to have actually performed them) also follow the Commission's recent decision in *Worldwide Relocations.* Relevant to the presumption in section 515.31(a), the Commission affirmed its own case law in *Activities, Tariff Filing Practices and Carrier Status of Containerships, Inc.,* 9 F.M.C. 56, 62 n.7 (1965) (*Containerships*), stating ''that advertising and solicitations to the public are important factors in determining the issue of 'holding out' by an entity.'' *Worldwide Relocations, supra* at 503. Further, in *Containerships,* the Commission stated that a presumption of holding out as a common carrier can arise by course of conduct, including issuing shipping documents that indicate an entity is acting on its own behalf. *Containerships, supra* at 9 F.M.C. 63. As to the presumption in section 515.31(j)(3), the Commission stated in *Worldwide Relocations:* ''[W]hen it is proven an entity has advertised something to the shipping public, it is permissible to infer or presume that the entity does what it advertises.'' *Worldwide Relocations, supra* at 505.

Section 515.31(k) is added and would provide that the agency agreements between an OTI and its agents must be in writing, signed by the parties and made available to the Commission. Also, a new § 515.31(l) would provide that no person may advertise or hold out to provide OTI services without first being licensed or registered and providing proof of financial responsibility.

Section 515.33—Records Required to be Kept

The introductory paragraph of Section 515.33 is revised to clarify that all OTIs shall maintain records pertaining to their OTI business and that the records must be maintained in useable form and readily available to the Commission. This records retention requirement applies whether the records are kept in the United States or in foreign locations. The requirement to keep such records solely in the United States is deleted.

Subpart E—Freight Forwarding Fees and Compensation

Section 515.41—Forwarder and Principal; Fees

The current content of section 515.41(c) (ocean freight forwarders shall not deny equal terms of special contracts to similarly situated shippers) is deleted. The Commission has determined it is no longer needed.

Section 515.42—Forwarder and Carrier; Compensation

Section 515.42(c) is revised to specifically permit electronic certifications by forwarders to carriers that forwarding services have been provided. Such electronic certifications (e.g., exchanges of emails) must identify the shipments for which compensation is made and contain confirmations between the forwarder and the common carrier that the services for which forwarder compensation is to be paid have been provided. This provision will ensure, for example, that the forwarder will confirm the carrier's list of shipments is correct, and, if not, the forwarder will advise the carrier of shipments that should be added or deleted. Certifications must be retained for a period of 5 years by the common carrier.

Request for Comments Relating Particularly to Fact Finding No. 27 Recommendation To Establish a New ''Small Package/Barrel'' NVOCC License

On May 11, 2011, the Federal Maritime Commission unanimously approved for action a series of recommendations contained in the *Final Report for Fact Finding Investigation No. 27, Potentially Unlawful, Unfair or Deceptive Ocean Transportation Practices Related to the Movement of Household Goods or Personal Property in U.S.-Foreign Oceanborne Trades.* The Fact Finding 27 Final Report was the culmination of a non-adjudicatory investigation initiated on June 23, 2010, to develop a record on the nature, scope, and frequency of potentially unfair, unlawful, or deceptive practices in the shipping of household goods or personal property within the Commission's jurisdiction.

One of the recommendations adopted was that the Commission initiate a rulemaking to establish a new NVOCC license category for those operating only in the so called ''barrel trade.'' Significant features of such a license category would be a lower financial responsibility requirement, tailored standards for such OTIs and the development of guidelines for such a separate license category. See, Fact Finding 27 Final Report, Attachment: Motions for Commission Meeting May 11, 2011, Motion #17 at 4.

The Fact Finding 27 Final Report described the ''barrel trade'' as one ''where individuals—primarily from various local ethnic/immigrant communities—send small shipments of personal goods to relatives or friends in their home countries [such as] in the Philippines, Latin America and the Caribbean Basin on a semi-regular basis.'' Fact Finding 27 Final Report, at 4. The Report also observes that the cost of complying with the Commission's OTI regulations appears to discourage these small unlicensed OTIs from obtaining an OTI license, publishing a tariff, and securing an appropriate OTI bond for the protection of the public. The Fact Finding 27 Final Report listed a number of standards that could be applied to a small package/barrel trade license category:

- A minimum of one year of OTI experience with household goods;
- ''Character'' standards the same as a regular licensee;
- Interview by an Area Representative;
- A detailed reference statement to accompany application that is signed ''under penalty of perjury;''
- CADRS to be used for consumer disputes as first mediation option;
- A lower bond amount for this type of license;
- Surety company pre-approval of a bond to accompany application; and
- All other conditions that apply to a regular NVOCC license.

The Commission requests the public to provide comments and suggestions as to the usefulness of applying all, or some, of these standards in creating a new category of OTI license.

The Commission also requests the public to address the following questions that relate to how to differentiate between OTIs that should qualify for a small package/barrel trade license and those that should not; what cargo types and volumes fall within or limit the license; and the contours and effects of a lower financial responsibility requirement. The Commission understands that some information requested may be business confidential in nature and will treat responses confidentially to the extent requested and allowed by law. Such confidential information, however, must be submitted in the manner described above at the beginning of this Supplementary Information. The questions are as follows:

1. Are you currently a licensed OTI?
2. What was your volume of household goods and personal automobiles transported in the U.S. oceanborne commerce, for calendar year 2012? Please provide the volume of household goods in TEUs and the number of personal autos carried.
3. What was your total volume of cargo, including household goods, if

any, in the U.S. oceanborne commerce for calendar year 2012? What types of cargo (e.g., electrical goods, automobiles), other than household goods, did you carry during calendar year 2012?

4. Does your company transport cargo in the barrel trade, as described above, between the United States and the Philippines, Latin America or the Caribbean Basin? If so, what was your barrel cargo volume for calendar year 2012?

5. If you transported cargo in the barrel trade in calendar year 2012, what types of cargo, other than barrel cargo, did you carry (e.g., electrical goods, automobiles)?

6. Does your company transport ''balikbayan'' box cargo by water in the trade between the U.S. and the Philippines? If so, what was your balikbayan box volume for calendar year 2012?

7. With reference to the description of the barrel trades above, would this description also accurately describe transportation of balikbayan boxes? If not, describe the balikbayan trade.

8. If you transport balikbayan boxes or barrel trade cargo, are such shipments consolidated in containers with general cargo that is not household goods cargo?

9. Are there other types of small package or household goods transported in the U.S. ocean-borne trades that should be included within the coverage of a new OTI license? What types of cargo should be excluded?

10. Should there be annual cargo volume limits for OTIs to operate under a small package/barrel trade license? If so, what volume cap would be appropriate?

11. In the event that a small package/barrel trade licensed OTI exceeds the limits of its license (*e.g.,* an annual cargo volume limit or cargo type limitation), what rules might be promulgated to ensure that licensees operate within the authority of the license?

12. What dollar amount would be appropriate as the financial responsibility requirement for a small package/barrel trade OTI license? Explain why this amount is adequate.

13. Would your company pursue a small package/barrel trade license if the Commission creates such a category? If so, please identify what you anticipate would be the most important benefits to your firm/business. Also identify benefits to your customers.

14. If your firm/business would not likely pursue a small package/barrel trade license, in your estimation would OTIs with such a license gain competitive advantage over your firm/business? Please explain.

15. Does your firm/business favor a small package/barrel license that requires a lower financial responsibility amount than that for other OTIs?

16. If you are a licensed OTI and would pursue a small package/barrel trade license, do you anticipate changing the type of financial responsibility you currently have?

17. If you are a financial responsibility provider (e.g., insurance company, surety bond provider), do you have suggestions or concerns with respect to providing pre-approval of financial responsibility to small package/barrel trade OTIs?

18. If you are a financial responsibility provider, do you anticipate that a bond for a small package/barrel trade licensed OTI would nonetheless cover claims for the transportation of cargo that fits neither the description of small package or barrel trade?

Regulatory Flexibility Act—Information Request Regarding Impact on Small Entities

The Commission requests public comment on this Advance Notice of Proposed Rulemaking regarding the economic impacts of such a proposed rule on small entities as required by the Regulatory Flexibility Act (RFA),[5] as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA).[6] The RFA requires Federal agencies to consider the impact of regulatory proposals on small entities and determine, in good faith, whether there were equally effective alternatives that would make the regulatory burden on small business more equitable.[7]

The industry regulated under Part 515 of the CFR consists of ''persons'' operating as ocean transportation intermediaries.[8] An ocean transportation intermediary means an ocean freight forwarder or a non-vessel-operating common carrier. For the purposes of FMC regulations, ocean freight forwarder means a person that—(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and (ii) processes the documentation or performs related activities incident to those shipments. A non-vessel-operating common carrier (NVOCC) means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.

The North American Industry Classification System (NAICS) code applicable to the OTI industry is 488510—Freight Transportation Arrangement. Using this code, the Small Business Administration (SBA) size standard for a small business in the OTI industry is average annual receipts[9] of $14 million or less. However, there is an exception for NVOCCs and Household Goods Forwarders. For those entities, the size standard is $25.5 million or less in annual revenue.

The questions below seek information related to each OTI's type of business, firm size, and estimated cost of compliance with the proposed rule. Responses to these questions may be submitted confidentially.

Questions Regarding the Proposed Rule's Economic Impact on Regulated Entities

In responding to the questions below, OTIs are asked to provide the data requested in terms of all of its domestic and foreign affiliates. If, as an OTI, you are separately incorporated as an NVOCC and an OFF, you are requested to provide information for both parties combined.

1. What is your line of business? Check all that apply: OFF, NVOCC, or other (please specify)?

2. What was your company's total revenue in 2012? These figures should reflect revenues from all sources, including affiliated companies and business obtained through agency relationships.

3. How much do you currently pay annually for your financial responsibility coverage? What are your current annual premiums and/or collateral requirements required by your financial responsibility provider? What other costs are associated with your financial responsibility coverage?

[5] Regulatory Flexibility Act, Public Law 96–354, 94 Stat. 1164 (codified at 5 U.S.C. 601 et seq.).

[6] Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, 110 Stat. 857.

[7] The term ''small entities'' comprises small business and not-for-profit organizations that are independently owned and operated and are not dominant in their field, and governmental jurisdictions with populations of less than 50,000.

[8] The FMC OTI rules define ''person'' to include individuals, corporations, partnerships, and associations existing under or authorized by the laws of the United States or of a foreign country. (See 46 CFR 515.2 (p)).

[9] As measured by total revenues, but excluding funds received in trust for an unaffiliated third party, such as bookings or sales subject to commissions. The commissions received are included as revenue. Source: SBA's Table of Small Business Standards matched to the North American Industry Classification System Codes. *http://www.sba.gov/sites/default/files/files/Size_Standards_Table(1).pdf*

4. Estimate the number of staff hours required to comply with the existing rule's financial responsibility requirements.

5. Estimate the number of staff hours that would be required to comply with the proposed rule.

6. How much do you estimate you will have to pay for your new financial responsibility coverage as required in the proposed rule? Please provide other costs associated with such coverage.

7. Will the requirements in the proposed rule change your type of coverage? If so, explain how.

8. Please detail your estimated annual cost of compliance with the proposed rule's new financial responsibility requirements.

9. How will the proposed rules affect your continuing operations?

As some of the information requested may be business confidential in nature, the Commission will treat such responses confidentially, if requested, to the extent provided by law. Such confidential information, however, must be submitted in the manner described above at the beginning of this **SUPPLEMENTARY INFORMATION.**

BILLING CODE 6730–01–P

Comments are requested on new forms resulting from the Proposed Rule: OTI License Renewal Form (Section 515.14(d)), Registration/Renewal Form for Foreign-based NVOCCs (Section 515.19(a))

FORM FMC-[XXX] Application for Renewal of Ocean Transportation Intermediary License

Form FMC-___ OMB No. 3072-____ (Expires _____)

APPLICATION FOR RENEWAL OF AN
OCEAN TRANSPORTATION INTERMEDIARY LICENSE

Please verify the following information submitted in your previous Form FMC-18 filing and revise any information which has changed. Some revisions may require the filing of a change request prior to license renewal (for instance, if a new trade name is added).

☐ 1. Legal Name of Licensee: License No.:
If no change, check here.

☐ 2. Trade Name(s):
If no change, check here.

☐ 3. Principal Place of Business Address - number, street, and room or suite number:
If no change, check here.

City or town, and country (include applicable postal codes):

☐ 4. Telephone Number (include country code): Fax Number (include country code):

If no change, check here.

☐ 5. Name of Contact Person: Email Address of Contact Person:
If no change, check here.

Form FMC-___ OMB No. 3072-____ (Expires _____)

6. Mailing Address if different from principal place of business (P.O. Boxes may be used):

☐ If no change, check here.

Number, street, and room or suite number:

_____

City or town, and country (include applicable postal codes):

_____

7. Name of Qualifying Individual: Title of Qualifying Individual:

☐ If no change, check here.

_____

Email Address of Qualifying Individual:

_____

8. Evidence of Good Standing:

Attach a Certificate of Good Standing or equivalent document for the licensee dated within the last six months.

_____

9. Licensee's Ownership, Officers, Partners, Members, Directors, Stockholders, Parent or Holding Company:

☐ If no change, check here.

For any change in ownership, attach supporting documentation.

Name of Officer/Director/Partner/Stockholder/ Business Entity	Title	Soc. Sec. Number	Percentage of Ownership

Form FMC-___ OMB No. 3072-____ (Expires _____)

CERTIFICATIONS

SOLE PROPRIETORSHIPS ONLY

I, _____, certify under penalty of
(NAME OF SOLE PROPRIETOR)

perjury under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal benefits, either by court order or operation of law, pursuant to 21 U.S.C. 862.

_____

Signature of Sole Proprietor Date

_____

Name Title

ALL APPLICANTS INCLUDING SOLE PROPRIETORS

I certify that I have read a copy of the Federal Maritime Commission's ocean transportation intermediary regulations, 46 CFR Part 515, and pertinent sections of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 and the Coast Guard Authorization Act of 1998 (46 U.S.C. 40101 et seq.), governing the licensing of ocean transportation intermediaries, and that I will abide by all the provisions thereof.

I further certify that I have specifically reviewed 46 CFR 515.42(h) (concerning the compensation with respect to licensees which are licensed as both an NVOCC and an ocean freight forwarder or which are related to NVOCCs) and 46 CFR 515.42(i) (concerning the compensation with respect to ocean freight forwarders of licensees which have a beneficial interest in merchandise exported from the United States by water or which are related to persons with a beneficial interest in merchandise exported from the United States by water).

I further certify that I shall not act as an ocean transportation intermediary as defined in section 3 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 and the Coast Guard Authorization Act of 1998, or perform ocean transportation intermediary services as defined in 46 CFR Part 515, without a valid ocean transportation intermediary license issued by the Federal Maritime Commission.

Under penalties of perjury, I declare that I have examined this application and to the best of my knowledge and belief, it is true, correct and complete.

_____
Signature

_____
Name

_____
Title

_____
Date

Form FMC-[YYY] Foreign-based NVOCC Registration/Renewal

Page 1
Form FMC-__ OMB No. 3072-____ (Expires _____)

FOREIGN-BASED NVOCC REGISTRATION/RENEWAL

1. Legal Name of Registrant:

_____

Name listed above must match legal name on official documentation exactly, including punctuation.

2. Trade Name(s):

_____

3. Principal Place of Business Address - number, street, and room or suite number:

_____

City or town, and Country (include applicable postal codes):

4. Telephone Number (include country code) Fax Number (include country code)

_____

5. Name of Contact Person Email Address of Contact Person:

_____

6. Legal Agent for Service of Process in the U.S.:

Name of Agent:

_____

Address - number, street, and room or suite number:

_____

City or town, and state:

_____

Telephone Number: Fax Number:

_____

Name of Contact Person: Email Address of Contact Person:

_____

Form FMC-__ OMB No. 3072-____ (Expires _____)

CERTIFICATION

I certify that I have read a copy of the Federal Maritime Commission's ocean transportation intermediary regulations, 46 CFR Part 515, and pertinent sections of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 and the Coast Guard Authorization Act of 1998 (46 U.S.C. 40101 et seq.), governing ocean transportation intermediaries, and that I will abide by all the provisions thereof from this date forward.

I further certify that I shall use a licensed ocean transportation intermediary for any ocean transportation intermediary activities performed on my behalf in the United States.

Under penalties of perjury, I declare that I have examined this registration and to the best of my knowledge and belief, it is true, correct and complete.

Note: Certification must be executed by the sole proprietor if registrant is a sole proprietorship, by all partners if registrant is a partnership, by a corporate officer if registrant is a corporation, or by a member if registrant is a limited liability company.

_____
Signature

_____
Name

_____
Title

_____
Date

BILLING CODE 6730–01–C

This rule is not a ''major rule'' under 5 U.S.C. 804(2).

List of Subjects in 46 CFR Part 515

Freight, Freight forwarders, Maritime carriers, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Federal Maritime Commission proposes to amend 46 CFR part 515 as follows:

PART 515—LICENSING, FINANCIAL RESPONSIBILITY REQUIREMENTS, AND GENERAL DUTIES FOR OCEAN TRANSPORTATION INTERMEDIARIES

■ 1. The authority citation for part 515 continues to read as follows:

Authority: 5 U.S.C. 553; 31 U.S.C. 9701; 46 U.S.C. 305, 40102, 40104, 40501–40503, 40901–40904. 41101–41109, 41301–41302, 41305–41307; Pub. L. 105–383, 112 Stat. 3411; 21 U.S.C. 862.

■ 2. Revise the section contents of Part 515 to read as follows:

PART 515—LICENSING, FINANCIAL RESPONSIBILITY REQUIREMENTS, AND GENERAL DUTIES FOR OCEAN TRANSPORTATION INTERMEDIARIES

Subpart A—General

Sec.
515.1 Scope.
515.2 Definitions.
515.3 License; when required.
515.4 License; when not required.
515.5 Forms and fees.

Subpart B—Eligibility and Procedure for Licensing and Registration

515.11 Basic requirements for licensing; eligibility.
515.12 Application for license.
515.13 Investigation of applicants.
515.14 Issuance, renewal, and use of license.
515.15 Denial of license.
515.16 Revocation or suspension of license or registration.
515.17 Hearing procedures governing denial and revocation or suspension of OTI license or registration.
515.18 Application after revocation or denial.
515.19 Registration of foreign-based non-vessel-operating common carriers.
515.20 Changes in organization.

Subpart C—Financial Responsibility Requirements; Claims Against Ocean Transportation Intermediaries

515.21 Financial responsibility requirements.
515.22 Proof of financial responsibility.
515.23 Claims against an ocean transportation intermediary.
515.24 Agent for service of process.
515.25 Filing of proof of financial responsibility.
515.26 Termination of financial responsibility.
515.27 Proof of compliance—NVOCC.

Subpart D—Duties and Responsibilities of Ocean Transportation Intermediaries; Reports to Commission

515.31 General duties.
515.32 Freight forwarder duties.
515.33 Records required to be kept.
515.34 Regulated Persons Index.

Subpart E—Freight Forwarding Fees and Compensation

515.41 Forwarder and principal; fees.
515.42 Forwarder and carrier; compensation.
515.91 OMB control number assigned pursuant to the Paperwork Reduction Act.
Appendix A to Part 515—Ocean Transportation Intermediary (OTI) Bond Form [Form-48]
Appendix B to Part 515—Ocean Transportation Intermediary (OTI) Insurance Form [Form-67]
Appendix C to Part 515—Ocean Transportation Intermediary (OTI) Guaranty Form [Form-68]
Appendix D to Part 515—Ocean Transportation Intermediary (OTI) Group Bond Form [FMC–69]
Appendix E to Part 515—Optional Rider for Additional NVOCC Financial Responsibility (Optional Rider to Form FMC–48] [FORM 48A]
Appendix F to Part 515—Optional Rider for Additional NVOCC Financial Responsibility for Group Bonds (Optional Rider to Form FMC–69]

Subpart A—General

■ 3. Revise § 515.1(b) to read as follows:

§ 515.1 Scope.

* * * * *

(b) Information obtained under this part is used to determine the qualifications of ocean transportation intermediaries and their compliance with shipping statutes and regulations. Failure to follow the provisions of this part may result in denial, revocation or suspension of an ocean transportation intermediary license or registration. Persons operating without the proper license or registration may be subject to civil penalties not to exceed $8,000 for each such violation unless the violation is willfully and knowingly committed, in which case the amount of the civil penalty may not exceed $40,000 for each violation; for other violations of the provisions of this part, the civil penalties range from $8,000 to $40,000 for each violation (46 U.S.C. 41107–41109). Each day of a continuing violation shall constitute a separate violation.

■ 4. Revise § 515.2 to read as follows:

§ 515.2 Definitions.

The terms used in this part are defined as follows:

(a) *Advertisement* means any written or electronic communication to the public, or a portion thereof, to provide, perform or conduct ocean transportation services in connection with a direct or indirect offer or sale of ocean transportation intermediary services. *Advertisement* includes publication of a Web site, posting on the Internet or listing in an electronic database.

(b) *Beneficial interest* includes a lien or interest in or right to use, enjoy, profit, benefit, or receive any advantage, either proprietary or financial, from the whole or any part of a shipment of cargo where such interest arises from the financing of the shipment or by operation of law, or by agreement, express or implied. The term ''beneficial interest'' shall not include any obligation in favor of an ocean transportation intermediary arising solely by reason of the advance of out-of-pocket expenses incurred in dispatching a shipment.

(c) *Branch office* means any office in the United States established by or maintained by or under the control of a licensee for the purpose of rendering intermediary services, which office is located at an address different from that of the licensee's designated home office.

(d) *Commission* means the Federal Maritime Commission.

(e) *Common carrier* means any person holding itself out to the general public to provide transportation by water of passengers or cargo between the United States and a foreign country for compensation that:

(1) Assumes responsibility for the transportation from the port or point of receipt to the port or point of destination, and

(2) Utilizes, for all or part of that transportation, a vessel operating on the high seas or the Great Lakes between a port in the United States and a port in a foreign country, except that the term does not include a common carrier engaged in ocean transportation by ferry boat, ocean tramp, chemical parcel tanker, or by a vessel when primarily engaged in the carriage of perishable agricultural commodities

(i) If the common carrier and the owner of those commodities are wholly-owned, directly or indirectly, by a person primarily engaged in the marketing and distribution of those commodities, and

(ii) Only with respect to those commodities.

(f) *Compensation* means payment by a common carrier to a freight forwarder for the performance of services as specified in § 515.2(h).

(g) *Freight forwarding fee* means charges billed by an ocean freight

forwarder to a shipper, consignee, seller, purchaser, or any agent thereof, for the performance of freight forwarding services.

(h) *Freight forwarding services* refers to the dispatching of shipments on behalf of others, in order to facilitate shipment by a common carrier, which may include, but are not limited to, the following:

(1) Ordering cargo to port;

(2) Preparing and/or processing export documents, including the required 'electronic export information';

(3) Booking, arranging for or confirming cargo space;

(4) Preparing or processing delivery orders or dock receipts;

(5) Preparing and/or processing common carrier bills of lading or other shipping documents;

(6) Preparing or processing consular documents or arranging for their certification;

(7) Arranging for warehouse storage;

(8) Arranging for cargo insurance;

(9) Assisting with clearing shipments in accordance with United States Government export regulations;

(10) Preparing and/or sending advance notifications of shipments or other documents to banks, shippers, or consignees, as required;

(11) Handling freight or other monies advanced by shippers, or remitting or advancing freight or other monies or credit in connection with the dispatching of shipments;

(12) Coordinating the movement of shipments from origin to vessel; and

(13) Giving expert advice to exporters concerning letters of credit, other documents, licenses or inspections, or on problems germane to the cargoes' dispatch.

(i) *From the United States* means oceanborne export commerce from the United States, its territories, or possessions, to foreign countries.

(j) *Licensee* is any person licensed by the Federal Maritime Commission as an ocean transportation intermediary.

(k) *Non-vessel-operating common carrier services* refers to the provision of transportation by water of cargo between the United States and a foreign country for compensation without operating the vessels by which the transportation is provided, and may include, but are not limited to, the following:

(1) Purchasing transportation services from a common carrier and offering such services for resale to other persons;

(2) Payment of port-to-port or multimodal transportation charges;

(3) Entering into affreightment agreements with underlying shippers;

(4) Issuing bills of lading or other shipping documents;

(5) Assisting with clearing shipments in accordance with U.S. government regulations;

(6) Arranging for inland transportation and paying for inland freight charges on through transportation movements;

(7) Paying lawful compensation to ocean freight forwarders;

(8) Coordinating the movement of shipments between origin or destination and vessel;

(9) Leasing containers;

(10) Entering into arrangements with origin or destination agents;

(11) Collecting freight monies from shippers and paying common carriers as a shipper on NVOCC's own behalf.

(l) *Ocean common carrier* means a common carrier that operates, for all or part of its common carrier service, a vessel on the high seas or the Great Lakes between a port in the United States and a port in a foreign country, except that the term does not include a common carrier engaged in ocean transportation by ferry boat, ocean tramp, or chemical parcel-tanker.

(m) *Ocean transportation intermediary* (OTI) means an ocean freight forwarder or a non-vessel-operating common carrier. For the purposes of this part, the term

(1) *Ocean freight forwarder* (OFF) means a person that—

(i) In the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

(ii) Processes the documentation or performs related activities incident to those shipments; and

(2) *Non-vessel-operating common carrier* (NVOCC) means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.

(n) *Person* means individuals, corporations, companies, including limited liability companies, associations, firms, partnerships, societies and joint stock companies existing under or authorized by the laws of the United States or of a foreign country.

(o) *Principal,* with respect to a licensed ocean freight forwarder employed to facilitate ocean transportation of property, refers to the shipper, consignee, seller or purchaser of such property, and to anyone acting on behalf of such shipper, consignee, seller or purchaser.

(p) *Qualifying individual* (QI) means an individual who (1) is an employee of a licensed OTI, (2) is at least twenty-one (21) years of age, (3) is responsible for general supervision of the licensee's OTI operations, and (4) meets the experience and character requirements of section 19 of the Shipping Act (46 U.S.C. 40901–40904) and this Part.

(q) *Reduced forwarding fees* means charges to a principal for forwarding services that are below the licensed ocean freight forwarder's usual charges for such services.

(r) *Registered non-vessel-operating common carrier (registered NVOCC)* means an NVOCC whose primary place of business is located outside the United States and who elects not to become licensed as an NVOCC, but to register with the Commission as provided in § 515.19, post a bond or other surety in the required amount and publish a tariff as required by 46 CFR Part 520.

(s) *Shipment* means all of the cargo carried under the terms of a single bill of lading.

(t) *Shipper* means:

(1) A cargo owner;

(2) The person for whose account the ocean transportation is provided;

(3) The person to whom delivery is to be made;

(4) A shippers' association; or

(5) A non-vessel-operating common carrier that accepts responsibility for payment of all charges applicable under the tariff or service contract.

(u) *Shipping Act* means the Shipping Act of 1984, as amended. 46 U.S.C. 40101–41309.

(v) *Special contract* is a contract for ocean freight forwarding services which provides for a periodic lump sum fee.

(w) *Transportation-related activities* which are covered by the financial responsibility obtained pursuant to this part include, to the extent involved in the foreign commerce of the United States, any activity performed by an ocean transportation intermediary that is necessary or customary in the provision of transportation services to a customer, but are not limited to the following:

(1) For an ocean transportation intermediary operating as an ocean freight forwarder, the freight forwarding services enumerated in § 515.2(h), and

(2) For an ocean transportation intermediary operating as a non-vessel-operating common carrier, the non-vessel-operating common carriers services enumerated in § 515.2(k).

(x) *United States* includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and all other United States territories and possessions.

■ 5. Revise § 515.3 to read as follows:

§ 515.3 License; when required.

Except as otherwise provided in this part, no person in the United States may act as an ocean transportation intermediary unless that person holds a valid license issued by the Commission. For purposes of this part, a person is considered to be ''in the United States'' if such person is resident in, or incorporated or established under, the laws of the United States. Registered NVOCCs must utilize only licensed ocean transportation intermediaries to provide NVOCC services in the United States. In the United States, only licensed OTIs located in the United States may act as agents to provide OTI services for registered NVOCCs.

■ 6. Revise § 515.4 to read as follows:

§ 515.4 License; when not required.

A license is not required in the following circumstances:

(a) *Shippers.* Any person whose primary business is the sale of merchandise may, without a license, dispatch and perform freight forwarding services on behalf of its own shipments, or on behalf of shipments or consolidated shipments of a parent, subsidiary, affiliate, or associated company. Such person shall not receive compensation from the common carrier for any services rendered in connection with such shipments.

(b) *Agents, employees, or branch offices of a licensed ocean transportation intermediary.* An agent, individual employee, or branch office of a licensed ocean transportation intermediary is not required to be licensed in order to act on behalf of and in the name of such licensee; however, branch offices must be reported to the Commission in Form FMC–18 or pursuant to § 515.20(e). A licensed ocean transportation intermediary shall be fully responsible for the acts and omissions of any of its employees and agents that are performed in connection with the conduct of such licensee's business.

(c) *Common carriers.* A common carrier, or agent thereof, may perform ocean freight forwarding services without a license only with respect to cargo carried under such carrier's own bill of lading. Charges for such forwarding services shall be assessed in conformance with the carrier's published tariffs.

(d) *Federal military and civilian household goods.* Any person which exclusively transports used household goods and personal effects for the account of the Department of Defense, or for the account of the federal civilian executive agencies shipping under the International Household Goods Program administered by the General Services Administration, or both, is not subject to the requirements of subpart B of this part, but may be subject to other requirements, such as alternative surety bonding, imposed by the Department of Defense, or the General Services Administration.

■ 7. Revise § 515.5 to read as follows:

§ 515.5 Forms and fees.

(a) *Forms.* License Application Form FMC–18 Rev., Application for Renewal of Ocean Transportation Intermediary License Form FMC-_____, Foreign Unlicensed Registration Form FMC-_____, and financial responsibility Forms FMC–48, FMC–67, FMC–68, FMC–69 may be obtained from the Commission's Web site at *http://www.fmc.gov,* from the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, DC 20573, or from any of the Commission's Area Representatives.

(b) *Filing of license applications and registration forms.* All applications and forms are to be filed electronically unless a waiver is granted to file in paper form. A waiver request must be submitted in writing to the Director, Bureau of Certification and Licensing, 800 North Capitol Street NW., Washington, DC 20573, and must demonstrate that electronic filing imposes an undue burden on the applicant or registrant. The director, or a designee, will render a decision on the request and notify the requestor within two (2) business days of receiving the request. If a waiver request is granted, the approval will provide instructions for submitting a paper application or registration. If the waiver request is denied, a statement of reasons for the denial will be provided.

(c) *Fees.* (1) All fees shall be paid by money order, certified, cashier's, or personal check payable to the order of the ''Federal Maritime Commission,'' or by other means authorized by the Director of the Commission's Office of Budget and Finance. Applications or registrations shall be rejected unless the applicable fee and any bank charges assessed against the Commission are received by the Commission within ten (10) business days after submission of the application or registration. In any instance where an application has been processed in whole or in part, the fee will not be refunded.

(2) Fees under this Part 515 shall be as follows:

(i) Application for new OTI license as required by § 515.12(a): automated filing $_____; paper filing pursuant to waiver $_____.

(ii) Application for change to OTI license or license transfer as required by § 515.20(a) and (b): automated filing $_____; paper filing pursuant to waiver $_____.

(iii) Application for renewal of OTI license as required by § 515.14(d): automated filing $_____; paper filing pursuant to waiver $_____.

(iv) New and updated foreign NVOCC registration as required by § 515.19(a): automated filing $_____; paper filing pursuant to waiver $_____.

(v) Regulated Persons Index as provided in § 515.34: Purchase of a copy of the Index $_____.

■ 8. Revise the heading for subpart B by adding at the end ''and Registration'' to read as follows:

Subpart B—Eligibility and Procedure for Licensing and Registration

■ 9. Revise § 515.11 to read as follows:

§ 515.11 Basic requirements for licensing; eligibility.

(a) *Necessary qualifications.* To be eligible for an ocean transportation intermediary license, the applicant must demonstrate to the Commission that:

(1) It possesses the necessary experience, that is, that its QI has a minimum of three (3) years of relevant and diverse experience in ocean transportation intermediary activities in the United States, and that, through the officers, directors, and principal shareholders of a corporation, the members, managers, or officers of an LLC, or the partners of a partnership, and through the qualified individual, the applicant has the necessary character to render ocean transportation intermediary services. A principal shareholder is defined as a shareholder who owns directly, indirectly, or constructively 5 percent or more of the total combined voting power of all classes of stock entitled to vote or who owns directly, indirectly, or constructively 5 percent or more of the total value of all classes of stock.

(2) The three years of OTI experience required by this section may not be met by OTI experience acquired while working for an unlicensed, unbonded or unregistered OTI.

(3) In addition to information provided by the applicant and its references, the Commission may consider all information relevant to determining whether an applicant has the necessary character to render ocean transportation intermediary services, including but not limited to, information regarding: violations of any shipping laws, or statutes relating to the import, export or transport of merchandise in international trade;

operating as an OTI without a license or registration; state and federal felonies and misdemeanors; voluntary and non-voluntary bankruptcies not discharged; tax liens and other court and administrative judgments and proceedings; compliance with immigration status requirements described in 49 CFR 1572.105; denial, revocation, or suspension of a Transportation Worker Identification Credential under 49 CFR 1572; and the denial, revocation, or suspension of a customs broker's license under 19 CFR Part 111. The required OTI experience of the QI of a foreign-based NVOCC seeking to become licensed under this part (foreign-based licensed NVOCC) may be experience acquired in the U.S. or a foreign country with respect to shipments in the United States oceanborne foreign commerce.

(b) *Qualifying individual.* The following individuals must qualify the applicant for a license:

(1) *Sole proprietorship.* The applicant sole proprietor.

(2) *Partnership.* One of the partners responsible for the general supervision of the partnership's OTI operations.

(3) *Corporation.* One of the corporate officers responsible for the general supervision of the corporation's OTI operations.

(4) *Limited liability company.* One of the members or managers, or an individual in an equivalent position in the LLC, as expressly set forth in the LLC operating agreement, who is responsible for the general supervision of the LLC's OTI operations. If permitted by the operating agreement, an officer of an LLC who is responsible for the general supervision of the LLC's OTI operations may serve as the QI.

(c) *Affiliates of intermediaries.* An independently qualified applicant may be granted a separate license to carry on the business of providing ocean transportation intermediary services even though it is associated with, under common control with, or otherwise related to another ocean transportation intermediary through stock ownership or common directors or officers, if such applicant submits: a separate application and fee, and a valid instrument of financial responsibility in the form and amount prescribed under § 515.21. The QI of one active licensee shall not also be designated as the QI of another ocean transportation intermediary licensee, unless both entities are commonly owned or where one directly controls the other.

(d) *Common carrier.* A common carrier or agent thereof which meets the requirements of this part may be licensed as an ocean freight forwarder to dispatch shipments moving on other than such carrier's own bills of lading subject to the provisions of § 515.42(g).

(e) *Foreign-based licensed NVOCC.* A foreign-based NVOCC that elects to obtain a license must establish a presence in the United States by opening an unincorporated office that is resident in the United States, is qualified to do business where it is located and is staffed and operated by a full-time *bona fide* employee.

■ 10. Revise § 515.12 to read as follows:

§ 515.12 Application for license.

(a) *Application and forms.* (1) Any person who wishes to obtain a license to operate as an ocean transportation intermediary shall submit electronically (absent a waiver pursuant to § 515.5(b)) a completed application Form FMC–18 Rev. (Application for a License as an Ocean Transportation Intermediary) in accordance with the automated FMC–18 filing system and corresponding instructions. A filing fee shall be paid, as required under § 515.5(c). Notice of filing of each application shall be published on the Commission's Web site, *www.fmc.gov,* and shall state the name and address of the applicant and the name and address of the QI. If the applicant is a corporation or partnership, the names of the officers or partners thereof may be published. For an LLC, the names of the managers, members or officers, as applicable, may be published.

(2) An individual who is applying for a license as a sole proprietor must complete the following certification:

I, _____ (Name)_____, certify under penalty of perjury under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or state offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal benefits, either by court order or operation of law, pursuant to 21 U.S.C. 862.

(b) *Rejection.* Any application which appears upon its face to be incomplete or to indicate that the applicant fails to meet the licensing requirements of the Act, or the Commission's regulations, may be rejected and a notice shall be sent to the applicant, together with an explanation of the reasons for rejection, and the filing fee shall be refunded in full. Persons who have had their applications rejected may submit a new Form FMC–18 at any time, together with the required filing fee.

(c) *Failure to provide necessary information and documents.* In the event an applicant fails to provide documents or information necessary to complete processing of its application, notice will be sent to the applicant identifying the necessary information and documents and establishing a date for submission by the applicant. Failure of the applicant to submit the identified materials by the established date will result in the closing of its application without further processing. In the event an application is closed as a result of the applicant's failure to provide information or documents necessary to complete processing, the filing fee will not be returned. Persons who have had their applications closed under this section may reapply at any time by submitting a new application with the required filing fee.

(d) *Investigation.* Each applicant shall be investigated in accordance with § 515.13.

(e) *Changes in fact.* Each applicant shall promptly advise of any material changes in the facts submitted in the application. Any unreported change may delay the processing and investigation of the application and result in rejection, closing, or denial of the application.

■ 11. In § 515.14, revise the section heading, revise paragraph (b), and add paragraphs (c) and (d):

§ 515.14 Issuance, renewal, and use of license.

* * * * *

(b) *To whom issued.* The Commission will issue a license only in the name of the applicant, whether the applicant is a sole proprietorship, a partnership, a corporation, or limited liability company. A license issued to a sole proprietor doing business under a trade name shall be in the name of the sole proprietor, indicating the trade name under which the licensee will be conducting business. Only one license shall be issued to any applicant regardless of the number of names under which such applicant may be doing business, and except as otherwise provided in this part, such license is limited exclusively to use by the named licensee and shall not be transferred without prior Commission approval to another person.

(c) Licenses shall be issued for an initial period of two (2) years. Thereafter, licenses will be renewed for sequential two year periods upon successful completion of the renewal process in paragraph (d) of this section.

(d) *License renewal process.* (1) The licensee shall submit to the Director of the Bureau of Certification and Licensing (BCL) a completed Form FMC-_____ (Application for Renewal of Ocean Transportation Intermediary License) and the required license

renewal fee no later than sixty (60) days prior to the expiration date set forth on its license. Upon successful completion of the renewal process, the Commission shall issue a new license bearing an expiration date two (2) years later on the same day and month on which the license was originally issued. The expiration date will remain the same for subsequent renewals irrespective of the date on which the license renewal is submitted or when the renewed license is issued by the Commission, unless another expiration date is assigned by the Commission.

(2) Where information provided in an OTI's renewal form, Form FMC-_____, is changed from that set out in its current Form FMC–18 and requires Commission approval pursuant to § 515.20, the licensee must promptly submit a request for such approval on Form FMC–18 together with the required filing fee. The licensee may continue to operate as an ocean transportation intermediary during the pendency of the Commission's approval process.

(3) Though the foregoing license renewal process is not intended to result in a re-evaluation of a licensee's character, the Commission may review a licensee's character at any time, including at the time of renewal, based upon information received from the licensee or other sources.

■ 12. In § 515.15, revise paragraph (c) to read as follows:

§ 515.15 Denial of license.

* * * * *

(c) Has made any materially false or misleading statement to the Commission in connection with its application; then, a notice of intent to deny the application shall be sent to the applicant stating the reason(s) why the Commission intends to deny the application. The notice of intent to deny the application will provide, in detail, a statement of the facts supporting denial. An applicant may request a hearing on the proposed denial by submitting to the Commission's Secretary, within twenty (20) days of the date of the notice, a statement of reasons why the application should not be denied. Such hearing shall be provided pursuant to the procedures contained in § 515.17. Otherwise, the denial of the application will become effective and the applicant shall be so notified.

■ 13. Revise § 515.16 to read as follows:

§ 515.16 Revocation or suspension of license.

(a) *Grounds.* Except for the automatic revocation for termination of proof of financial responsibility under § 515.26, a license may be revoked or suspended after notice and an opportunity for a hearing under the procedures of § 515.17. The notice of revocation or suspension will provide, in detail, a statement of the facts supporting the action. The licensee may request a hearing on the proposed revocation or suspension by submitting to the Commission's Secretary, within twenty (20) days of the date of the notice, a statement of reasons why the license should not be revoked or suspended. Such hearing shall be provided pursuant to the procedures contained in § 515.17. Otherwise, the action regarding the license will become effective. A license may be revoked or suspended for any of the following reasons:

(1) Violation of any provision of the Act, or any other statute or Commission order or regulation related to carrying on the business of an ocean transportation intermediary;

(2) Failure to respond to any lawful order or inquiry by the Commission or an authorized Commission representative;

(3) Making a materially false or misleading statement to the Commission in connection with an application for, or amendment to, or renewal of, a license;

(4) Failure to honor financial obligations to the Commission;

(5) Failure to timely renew a license;

(6) In the case of an NVOCC, failure to file, within 120 days of the notification that its license application has been approved, or failure to maintain a Form FMC–1 and a tariff in compliance with 46 CFR Part 520;

(7) Knowingly and willfully processing, booking, or accepting cargo from, or transporting cargo for the account of an NVOCC that is not licensed or registered, or has not provided proof of financial responsibility or published an effective tariff;

(8) Additionally, a license may be suspended or revoked where the Commission determines the licensee is not qualified to render OTI services.

(9) In the case of a foreign-based licensed NVOCC, failure to establish or maintain an unincorporated office that is resident in the United States, is qualified to do business where it is located and is operated by a *bona fide* employee pursuant to section 515.11(e).

(10) Any act, omission or matter that would provide the basis for denial of a license to a new applicant pursuant to § 515.15.

(b) *Notice.* The Commission shall publish on the Commission's Web site, *www.fmc.gov,* a notice of each revocation and suspension.

■ 14. Redesignate § 515.17 as § 515.18.

■ 15. Add new § 515.17 to read as follows:

§ 515.17 Hearing procedures governing denial, revocation, or suspension of OTI license.

(a) *Hearing requests.* All hearing requests under § 515.15 and § 515.16 shall be submitted to the Commission's Secretary. Such requests shall be referred to the Office of the General Counsel to designate a hearing officer for review and decision under the procedures established in this section. Upon receipt of a request for hearing, the hearing officer shall notify BCL, and BCL will provide to the hearing officer a copy of the notice given to the applicant or licensee and a copy of BCL materials supporting the notice. The hearing officer will then issue a notice advising the applicant or, in the case of a revocation or suspension of the license, of the right to submit information and documents, including affidavits of fact and written argument, in support of an OTI application or continuation of a current OTI license.

(b) *Notice.* The notice shall establish a date no later than thirty (30) days from the date of the notice for submission of all supporting materials by the applicant or licensee. The notice shall also provide that the Bureau of Certification and Licensing may submit responsive materials no later than twenty (20) days from the date the applicant or licensee submitted its materials. BCL's notice and materials supporting its notice, the submission of the applicant or licensee and the responsive submission of BCL shall constitute the entire record upon which the hearing officer's decision shall be based. The hearing officer's decision shall be issued within forty (40) days after the closing of the record.

■ 16. Add new § 515.19 to read as follows:

§ 515.19 Registration of foreign-based non-vessel-operating common carriers.

(a) Any person whose primary place of business is located outside the United States that elects to operate as a registered NVOCC in the United States foreign trade shall register with the Commission by submitting to the Director of the Bureau of Certification and Licensing a completed registration form, Form FMC–_____ (Foreign-based NVOCC Registration/Renewal), accompanied by the fee required by § 515.5(c). A notice of each registration shall be published on the Commission's Web site *www.fmc.gov.* It is a violation of the Commission's regulations implementing the Shipping Act for a foreign-based unlicensed non-vessel-

operating common carrier to provide NVOCC services in the U.S. foreign trade without a valid registration and an effective tariff.

(b) A registration form which appears, upon submission, to be substantially incomplete may be rejected. If rejected, a notice, together with the reasons therefore, shall be sent to the foreign-based NVOCC and the filing fee shall be refunded. Persons who have had a registration rejected may submit a new registration at any time together with the applicable fee.

(c) Registrations are complete upon receipt of a registration form which meets the requirements of this section and upon evidence of financial responsibility being furnished pursuant to § 515.21.

(d) Registrations shall be effective for a period of two (2) years. Thereafter, registrations will be renewed for sequential two year periods upon submission of an updated registration form.

(e) A tariff shall not be published and NVOCC service shall not commence until the Commission receives valid proof of financial responsibility from the registrant and a Form FMC–1 has been filed.

(f) Registered NVOCCs must report in writing to BCL any changes to: Legal name(s) or trade name(s); principal place of business address (including telephone number, facsimile number); contact person and email address (including physical address if different from principal place of business); name of resident agent(s) (including physical address, mailing address, email address, telephone and facsimile number(s), and contact person) in the United States for receipt of service of judicial and administrative process (including subpoenas).

(g) *Termination or suspension of the registration of a registered NVOCC.*

(1) *Grounds.* Except when, under § 515.26, a registration becomes automatically ineffective for a failure of a registered NVOCC to maintain proof of financial responsibility on file with the Commission, the effectiveness of such a registration may be terminated or suspended, after notice and the opportunity for a hearing, pursuant to the procedure set forth in paragraph (g)(2) of this section, for any of the following reasons:

(i) Violation of any provision of the Act, or any other statute or Commission order or regulation related to carrying on the business of an ocean transportation intermediary;

(ii) Failure to respond to any lawful order or inquiry by the Commission or an authorized Commission representative;

(iii) Making a materially false or misleading statement to the Commission in connection with a registration or renewal thereof;

(iv) Failure to honor financial obligations to the Commission;

(v) Failure to timely renew a registration;

(vi) Failure to maintain a Form FMC–1 and a tariff in compliance with 46 CFR Part 520.

(vii) Knowingly and willfully processing, booking, or accepting cargo from, or transporting cargo for the account of, an NVOCC that is not licensed or registered, or has not provided proof of financial responsibility or published an effective tariff.

(viii) Failure to designate and maintain a person in the United States as legal agent for the receipt of judicial and administrative process, including subpoenas, as required by § 515.24.

(2) *Hearing procedure.* Registrants may request a hearing for terminations or suspensions of the effectiveness of their registrations following the same procedures set forth in § 515.17 (governing hearing requests for denials, revocations and suspensions of licenses).

(3) *Notice.* The Commission shall publish on the Commission's Web site, *www.fmc.gov,* a notice of each termination or suspension.

■ 17. Re-designate § 515.18 as § 515.20 and revise to read as follows:

§ 515.20 Changes in organization.

(a) *Licenses.* The following changes in an existing licensee's organization require prior approval of the Commission, and application for such status change or license transfer shall be made on Form FMC–18, filed with the Commission's Bureau of Certification and Licensing, and accompanied by the fee required under § 515.5(c):

(1) Transfer of a corporate license to another person;

(2) Change in ownership of a sole proprietorship;

(3) Any change in the business structure of a licensee from or to a sole proprietorship, partnership, limited liability company, or corporation, whether or not such change involves a change in ownership;

(4) Any change in a licensee's name; or

(5) Change in the identity or status of the designated QI, except as described in paragraphs (b) and (c) of this section.

(b) *Operation after death of sole proprietor.* In the event that the owner of a licensed sole proprietorship dies, the licensee's executor, administrator, heir(s), or assign(s) may continue operation of such proprietorship solely with respect to shipments for which the deceased sole proprietor had undertaken to act as an ocean transportation intermediary pursuant to the existing license, if the death is reported within 30 days to the Commission and to all principals and shippers for whom services on such shipments are to be rendered. The acceptance or solicitation of any other shipments is expressly prohibited until a new license has been issued. Applications for a new license by the executor, administrator, heir(s), or assign(s) shall be made on Form FMC–18, and shall be accompanied by the fee required under § 515.5(c).

(c) *Operation after retirement, resignation, or death of QI.* When a partnership, LLC, or corporation has been licensed on the basis of the qualifications of one or more of the partners, members, managers or officers thereof, and such QI(s) (1) no longer serves as a full-time employee with the OTI or, (2) is no longer responsible for the general supervision of the licensee's OTI activities, the licensee shall report such change to the Commission within fifteen (15) business days. Within the same 15-day period, the licensee shall furnish to the Commission the name(s) and detailed intermediary experience of any other active partner(s), member(s), manager(s) or officer(s) who may qualify the licensee. Such QI(s) must meet the applicable requirements set forth in § 515.11(a)–(c). The licensee may continue to operate as an ocean transportation intermediary while the Commission investigates the qualifications of the newly designated partner, member, manager, or officer.

(d) *Acquisition of one or more additional licensees.* In the event a licensee acquires one or more additional licensees, for the purpose of merger, consolidation, or control, the acquiring licensee shall advise the Commission of such acquisition, including any change in ownership, within 30 days after such change occurs by submitting an amended Form FMC–18. No application fee is required when reporting this change.

(e) *Other changes.* Other changes in material fact of a licensee shall be reported to the Commission within 30 days. Material changes include, but are not limited to: changes in business address; any criminal indictment or conviction of a licensee, QI, or officer; any voluntary or involuntary bankruptcy filed by or naming a licensee, QI, or officer; changes of five (5) percent or more of the common

equity ownership or voting securities of the OTI; or, the addition or reduction of one or more partners of a licensed partnership, one or more members or managers of a Limited Liability Company, or one or more branch offices. No fee shall be charged for reporting such changes.

Subpart C—Financial Responsibility Requirements; Claims Against Ocean Transportation Intermediaries

■ 18. In § 515.21, revise paragraphs (a)(1)–(4) and (b), and add a new paragraph (e) to read as follows:

§ 515.21 Financial responsibility requirements.

(a) * * *

(1) Any person operating in the United States as an ocean freight forwarder as defined in § 515.2(m)(1) shall furnish evidence of financial responsibility in the amount of $75,000.

(2) Any person operating in the United States as an NVOCC as defined in § 515.2(m)(2) shall furnish evidence of financial responsibility in the amount of $100,000.

(3) Any registered NVOCC, as defined in section 515.2(r), shall furnish evidence of financial responsibility in the amount of $200,000. Such registered NVOCC shall be strictly responsible for the acts and omissions of its employees and agents, wherever they are located.

(4) In the event the amount of the required bond, insurance or other surety, as described in (a)(1)–(a)(3) of this section, is drawn down pursuant to payment of a claim under § 515.23, an OTI shall furnish to the Commission proof that the bond, insurance or other surety has been restored to the full required amount within sixty (60) days. No new OTI business shall be accepted until such time as the full amount of the financial responsibility has been restored. Failure to restore the value of the financial responsibility within sixty (60) days shall result in automatic license revocation or registration termination.

(b) *Group financial responsibility.* When a group or association of ocean transportation intermediaries accepts liability for an ocean transportation intermediary's financial responsibility for such ocean transportation intermediary's transportation-related activities under the Act, the group or association of ocean transportation intermediaries shall file a group bond form, insurance form or guaranty form, clearly identifying each ocean transportation intermediary covered, before a covered ocean transportation intermediary may provide ocean transportation intermediary services. In such cases, a group or association must establish financial responsibility in an amount equal to the lesser of the amount required by paragraph (a) of this section for each member, or $4,000,000 in aggregate. A group or association of ocean transportation intermediaries may also file an optional bond rider as provided in § 515.25(b).

* * * * *

(e) *Compliance with increased financial responsibility amounts.* Individual OTIs and groups or associations must increase their financial responsibility coverage as provided in this section on or before [Insert number of days/or a date after increases become effective]. Such bond, proof of insurance or other surety may be increased by rider to their existing instruments of financial responsibility or by issuance of a new instrument of financial responsibility. OTIs that implement the increase by rider must ensure that their financial responsibility providers issue new instruments of financial responsibility at the amounts required by this section when such OTIs would otherwise renew with the provider their instruments of financial responsibility.

■ 19. Revise § 515.23 to read as follows:

§ 515.23 Claims against an ocean transportation intermediary.

(a) Shippers, common carriers, and other affected persons may seek payment from the bond, insurance, or other surety maintained by an ocean transportation intermediary for damages arising out of its ocean transportation-related activities. The Commission may also seek payment of civil penalties assessed under section 13 of the Shipping Act (46 U.S.C. 41107–41109).

(b) *Payment pursuant to a claim.* (1) If a person does not file a complaint with the Commission pursuant to section 11 of the Shipping Act (46 U.S.C. 41301–41302, 41305–41307(a)), but otherwise seeks to pursue a claim against an ocean transportation intermediary bond, insurance, or other surety for damages arising from its transportation-related activities, it shall attempt to resolve its claim with the financial responsibility provider prior to seeking payment on any judgment for damages obtained. When a claimant seeks payment under this section, it simultaneously shall notify both the financial responsibility provider and the ocean transportation intermediary of the claim by mail or courier service. The bond, insurance, or other surety may be available to pay such claim if:

(i) The ocean transportation intermediary consents to payment, subject to review by the financial responsibility provider; or

(ii) The ocean transportation intermediary fails to respond within forty-five (45) days from the date of the notice of the claim to address the validity of the claim, and the financial responsibility provider deems the claim valid.

(2) If the parties fail to reach an agreement in accordance with paragraph (b)(1) of this section within forty-five (45) days of the date of the initial notification of the claim, the bond, insurance, or other surety shall be available to pay any final judgment for reparations ordered by the Commission or damages obtained from an appropriate court. The financial responsibility provider shall pay such judgment for damages only to the extent they arise from the transportation-related activities of the ocean transportation intermediary, ordinarily within forty-five (45) days, without requiring further evidence related to the validity of the claim; it may, however, inquire into the extent to which the judgment for damages arises from the ocean transportation intermediary's transportation-related activities.

(c) *Priority of claims.* Claims against ocean transportation intermediary bonds, insurance or surety are prioritized in the following order:

(1) Claims by shippers and consignees;

(2) Caims by common carriers, ports, terminals, and other third party creditors; and

(3) Claims for civil penalties by the Commission pursuant to its authority under the Shipping Act.

(d) *Payment of claims.* The claims in paragraph (c)(1) deemed valid by the financial responsibility provider shall be paid in full, to the extent funds are available, before any claim in paragraphs (c)(2) or (c)(3) is paid. After the claims in paragraph (c)(1) have been paid, the claims in paragraph (c)(2) deemed valid by the financial responsibility provider shall be paid in full, to the extent funds are available, before any claim in paragraph (c)(3) is paid. After claims in paragraphs (c)(1) and (c)(2) have been paid, the claims in paragraph (c)(3) deemed valid by the financial responsibility provider shall be paid in full up to the remaining value of the bond, insurance or other surety.

(e) *Notices of court and other claims against OTIs.*

(1) Common carriers and marine terminal operators shall submit notices to the Commission of court and other transportation claims made by them that may result in payment of proceeds from such financial responsibility.

(2) As provided in each financial responsibility instrument between an OTI and its financial responsibility provider(s), the issuing financial responsibility provider shall submit a notice of each claim, court action, or court judgment against the financial responsibility and each claim paid (including the amount) by the provider.

(3) Notices described in paragraphs (1) and (2) of this section shall be promptly submitted to the BCL.

(4) Notices required by this section shall include the name of the claimant, name of the court and case number assigned, and the name and license number of the OTI involved. Such notices may include or attach other information relevant to the claim.

(5) Notices submitted shall be forwarded by BCL to the Commission's Secretary for publication on the Commission's Web site, *www.fmc.gov.*

(6) Such notices are for public information only and should not be taken as an indication of the merits or outcome of any claim or as an indication of a violation of the Shipping Act, the Commission's regulations, or any other statute or regulation.

(f) *Initiation of priority claim mechanism.* In order to provide reasonable time for multiple claims to be filed and paid applying the priorities established by this section:

(1) Upon receipt of a claim against a financial responsibility instrument, the issuing financial responsibility provider shall refer to the notices listed on the Commission Web site pursuant to paragraph (e)(6) of this section to determine whether there are other claims against the instrument.

(2) When two or more claims are made or noticed, the financial responsibility provider shall not pay any claim within the five (5) month period from the date it received the claim, pending receipt of other claims, if any.

(3) When a financial responsibility provider receives a claim in an amount more than twenty (20) percent of the face value of the instrument and there are no additional claims noticed on the Commission's Web site, the issuing financial responsibility provider shall not make payment for a period of five (5) months from the date of the claim, pending receipt of other claims, if any.

(4) When there are no additional claims noticed on the Commission's Web site at the time a claim is received by the issuing financial responsibility provider and after the issuing provider gives notice to BCL of the claim for posting on the Commission's Web site, the procedures contained in paragraph (b) of this section shall be followed. Provided, however, that, if during the time for processing the first claim under paragraph (b), an additional claim(s) is made to the issuing provider or notice of another claim is posted on the Commission's Web site, the issuing provider shall not make payment for a period of five (5) months after the date it receives the claim or notice of a claim is posted, whichever is later.

(5) Payments made after the elapse of time provided in paragraphs (f)(1) through (4) shall be made applying the priorities established in this section.

(g) The Federal Maritime Commission shall not serve as depository or distributor to third parties of bond, guaranty, or insurance funds in the event of any claim, judgment, or order for reparation.

(h) *Optional bond riders.* The Federal Maritime Commission shall not serve as a depository or distributor to third parties of funds payable pursuant to optional bond riders described in § 515.25(b).

■ 20. In § 515.24, revise paragraphs (b)–(d) to read as follows:

§ 515.24 Agent for service of process.

* * * * *

(b) Service of administrative process, other than subpoenas, may be effected upon the legal agent by dispatching a copy of the document to be served by mail or courier service. Administrative subpoenas shall be served in accordance with § 502.134 of this chapter.

(c) If the designated legal agent cannot be served because of death, disability, unavailability, termination or expiration of the designation, or if a legal agent authorized to receive such service is not designated in compliance with this section, the Secretary of the Federal Maritime Commission will be deemed to be the legal agent for service of process. Any person serving the Secretary must also send to the ocean transportation intermediary, or group or association of ocean transportation intermediaries which provide financial coverage for the financial responsibilities of a member ocean transportation intermediary, by mail or courier service at the ocean transportation intermediary's, or group's, address published in its tariff, a copy of each document served upon the Secretary, and shall attest to that service at the time service is made upon the Secretary. For purposes of this paragraph, it is sufficient that a person seeking to serve process on an ocean transportation intermediary, or group of such intermediaries, affirm to the Commission's Secretary that: they have contacted, or attempted to contact, the designated agent to confirm whether it remained authorized to accept service of process; or, if no legal agent is designated in the tariff, that it has no knowledge of the identity of the ocean transportation intermediary's legal agent. Designation of the Commission's Secretary as the legal agent shall survive any cancellation of the OTI's license or tariff and shall continue for the entire period during which claims may be made under the OTI's financial responsibility instrument.

(d) Designations of legal agent under paragraphs (a) and (b) of this section and provisions relating to service of process under paragraph (c) of this section shall be published in the ocean transportation intermediary's tariff, when required, in accordance with Part 520 of this chapter.

* * * * *

■ 21. Revise § 515.25 to read as follows:

§ 515.25 Filing of proof of financial responsibility.

(a) *Filing of proof of financial responsibility.* (1) *Licenses.* Upon notification by the Commission that an applicant has been approved for licensing, the applicant shall file with the Director of the Commission's Bureau of Certification and Licensing, proof of financial responsibility in the form and amount prescribed in § 515.21. No license will be issued until the Commission is in receipt of valid proof of financial responsibility from the applicant. If, within 120 days of notification of approval for licensing by the Commission, the applicant does not file proof that its financial responsibility is in effect, the application will be invalid. Applicants whose applications have become invalid may submit a new Form FMC–18, together with the required filing fee, at any time.

(2) *Registrations.* A registration shall not become effective until the applicant has furnished proof of financial responsibility pursuant to § 515.21, has submitted a Form FMC–1, and its published tariff pursuant to 46 CFR part 520, becomes effective.

(b) *Optional bond rider.* Any NVOCC as defined in § 515.2(m)(2), in addition to a bond meeting the requirements of § 515.21(a)(2) or (3), may obtain and file with the Commission proof of an optional bond rider, as provided in Appendix E or Appendix F of this part.

■ 22. Revise § 515.26 to read as follows:

§ 515.26 Termination of financial responsibility.

No license or registration shall remain in effect unless valid proof of a financial responsibility instrument is maintained on file with the Commission. Upon receipt of notice of termination of such

financial responsibility or any reduction in available financial responsibility coverage under § 515.21(a)(4), the Commission shall notify the concerned licensee, registrant, or registrant's legal agent in the United States, by mail or courier, at its last known address, that the Commission shall, without hearing or other proceeding, revoke the license or registration as of the termination date of the financial responsibility instrument, unless the licensee or registrant shall have submitted valid replacement proof of financial responsibility before such termination date. Replacement financial responsibility must bear an effective date no later than the termination date of the expiring financial responsibility instrument.

■ 23. Revise § 515.27 (a) and (b) to read as follows:

§ 515.27 Proof of compliance—NVOCC.

(a) No common carrier shall knowingly and willfully transport cargo for the account of an NVOCC unless the carrier has determined that the NVOCC has a license or registration, a tariff, and financial responsibility as required by sections 8 (46 U.S.C. 40501–40503) and 19 (46 U.S.C. 40901–40904) of the Shipping Act and this part.

(b) A common carrier can obtain proof of an NVOCC's compliance with the tariff and financial responsibility requirements by:

(1) Reviewing a copy of the tariff published by the NVOCC and in effect under part 520 of this chapter;

(2) Consulting the Commission's Web site, *www.fmc.gov,* as provided in paragraph (d) below, to verify that the NVOCC has filed evidence of its financial responsibility; or

(3) Any other appropriate procedure, provided that such procedure is set forth in the carrier's tariff.

* * * * *

■ 24. Remove Appendices A, B, C, D, E, and F to Part 515 (each of which will be inserted at the end of part 515).

Subpart D—Duties and Responsibilities of Ocean Transportation Intermediaries; Reports to Commission

■ 25. In § 515.31, revise paragraphs (a)–(c) and (g)–(i), and add new paragraphs (j)–(l) to read as follows:

§ 515.31 General duties.

(a) *Licensees and registrants; names and numbers.* An OTI shall carry on its business only under the name in which the license or the registration is issued, and only under its license or registration number as assigned by the Commission. An OTI shall include its name and license or registration number on all shipping documents and in all communications (including all written, printed and electronic communications). An OTI shall require that its agents include the OTI's name, and the OTI's license or registration number on all shipping documents issued by an agent on behalf of the OTI. When an entity issues shipping documents without including the name and license or registration number of a licensed or registered OTI principal, a rebuttable presumption arises that the entity is operating in its own name and not on behalf of a licensed or registered OTI principal.

(b) *Stationery and billing forms.* The name and license or registration number of each OTI shall be permanently imprinted on the licensee's or registrant's office stationery and billing forms.

(c) *Use of license or registration by others; prohibition.* No OTI shall permit its name, license, license number, registration, or registration number to be used by any person who is not an employee or an agent of the OTI. An entity that also provides OTI services in its own name and not on behalf of a licensed or registered OTI must be separately licensed under this part and must provide proof of its own financial responsibility and publish a tariff, if applicable. An OTI may not utilize an agent to provide OTI services in the United States unless the agent includes the OTI's name and license or registration number on all shipping documents issued by the agent on behalf of the OTI. A branch office of an OTI may use the license of the OTI provided that the address of the branch office has been reported to the Commission in Form FMC–18 or pursuant to § 515.20(e).

* * * * *

(g) *Response to requests of Commission.* Upon the request of any authorized representative of the Commission, an OTI shall make available promptly for inspection or reproduction all records and books of account in connection with its ocean transportation intermediary business, and shall respond promptly to any lawful inquiries by such representative. All OTIs are responsible for requiring that, upon the request of any authorized Commission representative, their agents make available all records and books of account relating to ocean transportation intermediary service provided by or for their principals, and respond promptly to any lawful inquiries by such representative.

(h) *Express written authority.* No OTI shall endorse or negotiate any draft, check, or warrant drawn to the order of its OTI principal or shipper without the express written authority of such OTI principal or shipper.

(i) *Accounting to principal or shipper.* An OTI shall account to its principal(s) or shipper(s) for overpayments, adjustments of charges, reductions in rates, insurance refunds, insurance monies received for claims, proceeds of C.O.D. shipments, drafts, letters of credit, and any other sums due such principal(s) or shipper(s).

(j) *Advertisements.* (1) An OTI shall include its name and license or registration number on all advertisements, as defined in § 515.2(a), and shall require that its agents include the name and license or registration number of the OTI principal on all such advertisements.

(2) An OTI shall not include false or misleading information in its advertisements and shall require that the advertisements of its agents similarly shall not include false or misleading information.

(3) Evidence that an entity has offered, through advertisement in any medium, to provide, perform or conduct ocean transportation services gives rise to a rebuttable presumption that the entity has actually performed the services offered.

(k) *OTI agency agreements.* Agency agreements between the OTI principal and its agent must be in writing, signed by the parties, and available to the Commission.

(l) *Prohibition.* No person may advertise or hold out to provide OTI services unless that person holds a valid OTI license or is registered under this part.

■ 26. Amend § 515.32(b) by removing the reference ''sales.''

■ 27. In § 515.33(d), revise the introductory text and paragraph (d) to read as follows:

§ 515.33 Records to be kept.

Each licensed or registered NVOCC and each licensed ocean freight forwarder shall maintain in an orderly and systematic manner, and keep current and correct, all records and books of account in connection with its OTI business. The licensed or registered NVOCC and each licensed freight forwarder may maintain these records in either paper or electronic form, which shall be readily available in usable form to the Commission; the electronically maintained records shall be no less accessible than if they were maintained in paper form. These recordkeeping requirements are independent of the

retention requirements of other federal agencies. In addition, each licensed freight forwarder must maintain the following records for a period of five years:

* * * * *

(d) *Special contracts.* A true copy, or if oral, a true and complete memorandum, of every special arrangement or contract between a licensed freight forwarder and a principal, or modification or cancellation thereof.

■ 28. Amend § 515.34 by removing the reference ''$108'' and adding the reference ''the fee set forth in § 515.5(c)'' in its place.

Subpart E—Freight Forwarding Fees and Compensation

■ 29. Amend § 515.41 as follows:

■ a. Remove paragraph (c);

■ b. Redesignate paragraph (d) as paragraph (c);

■ c. Revise and redesignate paragraph (e) as paragraph (d) to read as follows:

§ 515.41 Forwarder and principal; fees.

* * * * *

(d) *In-plant arrangements.* A licensed freight forwarder may place an employee or employees on the premises of its principal as part of the services rendered to such principal, provided:

(1) The in-plant forwarder arrangement is reduced to writing and identifies all services provided by either party (whether or not constituting a freight forwarding service); states the amount of compensation to be received by either party for such services; sets forth all details concerning the procurement, maintenance or sharing of office facilities, personnel, furnishings, equipment and supplies; describes all powers of supervision or oversight of the licensee's employee(s) to be exercised by the principal; and details all procedures for the administration or management of in-plant arrangements between the parties; and

(2) The arrangement is not an artifice for a payment or other unlawful benefit to the principal.

■ 30. In § 515.42, revise paragraphs (a), (b), (c), and (f) to read as follows:

§ 515.42 Forwarder and carrier compensation; fees.

(a) *Disclosure of principal.* In order for a forwarder to receive compensation, the identity of the shipper must always be disclosed in the shipper identification box on the bill of lading. The licensed freight forwarder's name may appear with the name of the shipper, but the forwarder must be identified as the shipper's agent.

(b) *Certification required for compensation.* A common carrier may pay compensation to a licensed freight forwarder only pursuant to such common carrier's tariff provisions. When a common carrier's tariff provides for the payment of compensation, such compensation shall be paid on any shipment forwarded on behalf of others where the forwarder has provided a certification as prescribed in paragraph (c) of this section and the shipper has been disclosed on the bill of lading as provided for in paragraph (a) of this section. The common carrier shall be entitled to rely on such certification unless it knows that the certification is incorrect. The common carrier shall retain such certifications for a period of five (5) years.

(c) *Form of certification.* When a licensed freight forwarder is entitled to compensation, the forwarder shall provide the common carrier with a certification which indicates that the forwarder has performed the required services that entitle it to compensation. The required certification may be provided electronically by the forwarder or may be placed on one copy of the relevant bill of lading, a summary statement from the forwarder, the forwarder's compensation invoice, or as an endorsement on the carrier's compensation check. Electronic certification must contain confirmations by the forwarder and the carrier identifying the shipments upon which forwarding compensation may be paid. Each forwarder shall retain evidence in its shipment files that the forwarder, in fact, has performed the required services enumerated on the certification.

The certification shall read as follows:

The undersigned hereby certifies that neither it nor any holding company, subsidiary, affiliate, officer, director, agent or executive of the undersigned has a beneficial interest in this shipment; that it is the holder of valid FMC License No., issued by the Federal Maritime Commission and has performed the following services:

(1) Engaged, booked, secured, reserved, or contracted directly with the carrier or its agent for space aboard a vessel or confirmed the availability of that space; and

(2) Prepared and processed the ocean bill of lading, dock receipt, or other similar document with respect to the shipment.

* * * * *

(f) *Compensation; services performed by underlying carrier; exemptions.* No licensed freight forwarder shall charge or collect compensation in the event the underlying common carrier, or its agent, has, at the request of such forwarder, performed any of the forwarding services set forth in § 515.2(h), unless such carrier or agent is also a licensed freight forwarder, or unless no other licensed freight forwarder is willing and able to perform such services.

* * * * *

■ 31. Redesignate § 515.91 as § 515.43 and revise it to read as follows:

§ 515.43 OMB control number assigned pursuant to the Paperwork Reduction Act.

The Commission has received OMB approval for this collection of information pursuant to the Paperwork Reduction Act of 1995, as amended. In accordance with that Act, agencies are required to display a currently valid control number. The valid control number for this collection of information is [Insert Control Number].

■ 32. Add Appendices A, B, C, D, E, and F to Part 515 to read as follows:

Appendix A to Part 515—Ocean Transportation Intermediary (OTI) Bond Form [Form 48]

Form FMC–48

Federal Maritime Commission

Ocean Transportation Intermediary (OTI) Bond (Section 19, Shipping Act of 1984 (46 U.S.C. 40901–40904)) _____ [indicate whether NVOCC or Freight Forwarder], as Principal (hereinafter ''Principal''), and _____, as Surety (hereinafter ''Surety'') are held and firmly bound unto the United States of America in the sum of $_____ for the payment of which sum we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally.

Whereas, Principal operates as an OTI in the waterborne foreign commerce of the United States in accordance with the Shipping Act of 1984, 46 U.S.C. 40101–41309, and, if necessary, has a valid tariff published pursuant to 46 CFR part 515 and 520, and pursuant to section 19 of the Shipping Act (46 U.S.C. 40901–40904), files this bond with the Commission;

Whereas, this bond is written to ensure compliance by the Principal with section 19 of the Shipping Act (46 U.S.C. 40901–40904), and the rules and regulations of the Federal Maritime Commission relating to evidence of financial responsibility for OTIs (46 CFR Part 515), this bond shall be available to pay any judgment obtained or any settlement made pursuant to a claim under 46 CFR 515.23 for damages against the Insured arising from the Insured's transportation-related activities under the Shipping Act, or order for reparations issued pursuant to section 11 of the Shipping Act (46 U.S.C. 41301–41302, 41305–41307(a)), or any penalty assessed against the Principal pursuant to section 13 of the Shipping Act (46 U.S.C. 41107–41109); provided, however, that the Surety's obligation for a group or association of OTIs shall extend only to such damages, reparations or penalties described herein as are not covered by another surety bond, insurance policy or guaranty held by the OTI(s) against which a claim or final judgment has been brought and that Surety's total obligation hereunder shall not exceed the amount per OTI provided in 46 CFR 515.21 or the amount per group or

association of OTIs provided for in 46 CFR 515.21 in aggregate.

Now, Therefore, The condition of this obligation is that the penalty amount of this bond shall be available to pay any judgment or any settlement made pursuant to a claim under 46 CFR 515.23 for damages against the Principal arising from the Principal's transportation-related activities or order for reparations issued pursuant to section 11 of the 1984 Act (46 U.S.C. 41301–41302, 41305–41307(a)), or any penalty assessed against the Principal pursuant to section 13 of the Shipping Act (46 U.S.C. 41107–41109).

This bond shall inure to the benefit of any and all persons who have obtained a judgment or a settlement made pursuant to a claim under 46 CFR § 515.23 for damages against the Principal arising from its transportation-related activities or order of reparation issued pursuant to section 11 of the Shipping Act (46 U.S.C. 41301–41302, 41305–41307(a)), and to the benefit of the Federal Maritime Commission for any penalty assessed against the Principal pursuant to section 13 of the Shipping Act (46 U.S.C. 41107–41109). However, the bond shall not apply to shipments of used household goods and personal effects for the account of the Department of Defense or the account of federal civilian executive agencies shipping under the International Household Goods Program administered by the General Services Administration.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall aggregate the penalty amount of this bond, and in no event shall the Surety's total obligation hereunder exceed said penalty amount, as may be restored pursuant to 46 CFR 515.21, regardless of the number of claims or claimants.

This bond is effective the ____ day of _____, _____ and shall continue in effect until discharged or terminated as herein provided. The Principal or the Surety may at any time terminate this bond by written notice to the Federal Maritime Commission at its office in Washington, DC. Such termination shall become effective thirty (30) days after receipt of said notice by the Commission. The Surety shall not be liable for any transportation-related activities of the Principal after the expiration of the 30-day period but such termination shall not affect the liability of the Principal and Surety for any event occurring prior to the date when said termination becomes effective.

The Surety consents to be sued directly in respect of any bona fide claim owed by Principal for damages, reparations or penalties arising from the transportation-related activities under the Shipping Act of Principal in the event that such legal liability has not been discharged by the Principal or Surety after a claimant has obtained a final judgment (after appeal, if any) against the Principal from a United States Federal or State Court of competent jurisdiction and has complied with the procedures for collecting on such a judgment pursuant to 46 CFR 515.23, the Federal Maritime Commission, or where all parties and claimants otherwise mutually consent, from a foreign court, or where such claimant has become entitled to payment of a specified sum by virtue of a compromise settlement agreement made with the Principal and/or Surety pursuant to 46 CFR 515.23, whereby, upon payment of the agreed sum, the Surety is to be fully, irrevocably and unconditionally discharged from all further liability to such claimant; provided, however, that Surety's total obligation hereunder shall not exceed the amount set forth in 46 CFR 515.21, as applicable.

The underwriting Surety will immediately notify the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, DC 20573, of all claims made, lawsuits filed, judgments rendered, and payments made against this bond.

Signed and sealed this ____ day of _____, _____.

(Please type name of signer under each signature.)

_____

Individual Principal or Partner

_____

Business Address

_____

Individual Principal or Partner

_____

Business Address

_____

Individual Principal or Partner

_____

Business Address

_____

Trade Name, If Any

_____

Corporate Principal

_____

State of Incorporation

_____

Trade Name, If Any

_____

Business Address

_____

By

_____

Title

_____

(Affix Corporate Seal)

_____

Corporate Surety

_____

Business Address

_____

By

_____

Title

(Affix Corporate Seal)

Appendix B to Part 515—Ocean Transportation Intermediary (OTI) Insurance Form [Form 67]

Form FMC–67

Federal Maritime Commission

Ocean Transportation Intermediary (OTI) Insurance Form Furnished as Evidence of Financial Responsibility Under 46 U.S.C. 40901–40904

This is to certify, that the (Name of Insurance Company), (hereinafter ''Insurer'') of (Home Office Address of Company) has issued to (OTI or Group or Association of OTIs [indicate whether NVOCC(s) or Freight Forwarder(s)]) (hereinafter ''Insured'') of (Address of OTI or Group or Association of OTIs) a policy or policies of insurance for purposes of complying with the provisions of Section 19 of the Shipping Act of 1984 (46 U.S.C. 40901–40904) and the rules and regulations, as amended, of the Federal Maritime Commission, which provide compensation for damages, reparations or penalties arising from the transportation-related activities of Insured, and made pursuant to the Shipping Act of 1984 (46 U.S.C. 40101–41309) (Shipping Act).

Whereas, the Insured is or may become an OTI subject to the Shipping Act and the rules and regulations of the Federal Maritime Commission, or is or may become a group or association of OTIs, and desires to establish financial responsibility in accordance with section 19 of the Shipping Act (46 U.S.C. 40901–40904), files with the Commission this Insurance Form as evidence of its financial responsibility and evidence of a financial rating for the Insurer of Class V or higher under the Financial Size Categories of A.M. Best & Company or equivalent from an acceptable international rating organization on such organization's letterhead or designated form, or, in the case of insurance provided by Underwriters at Lloyd's, documentation verifying membership in Lloyd's, or, in the case of surplus lines insurers, documentation verifying inclusion on a current ''white list'' issued by the Non-Admitted Insurers' Information Office of the National Association of Insurance Commissioners.

Whereas, the Insurance is written to assure compliance by the Insured with section 19 of the Shipping Act (46 U.S.C. 40901–40904), and the rules and regulations of the Federal Maritime Commission relating to evidence of financial responsibility for OTIs, this Insurance shall be available to pay any judgment obtained or any settlement made pursuant to a claim under 46 CFR 515.23 for damages against the Insured arising from the Insured's transportation-related activities under the Shipping Act, or order for reparations issued pursuant to section 11 of the Shipping Act (46 U.S.C. 41301–41302, 41305–41307(a)), or any penalty assessed against the Insured pursuant to section 13 of the Shipping Act (46 U.S.C. 41107–41109); provided, however, that Insurer's obligation for a group or association of OTIs shall extend only to such damages, reparations or penalties described herein as are not covered by another insurance policy, guaranty or surety bond held by the OTI(s) against which

a claim or final judgment has been brought and that Insurer's total obligation hereunder shall not exceed the amount per OTI set forth in 46 CFR 515.21 or the amount per group or association of OTIs set forth in 46 CFR 515.21 in aggregate.

Whereas, the Insurer certifies that it has sufficient and acceptable assets located in the United States to cover all liabilities of Insured herein described, this Insurance shall inure to the benefit of any and all persons who have a bona fide claim against the Insured pursuant to 46 CFR 515.23 arising from its transportation-related activities under the Shipping Act, or order of reparation issued pursuant to section 11 of the Shipping Act (46 U.S.C. 41301–41302, 41305–41307(a)), and to the benefit of the Federal Maritime Commission for any penalty assessed against the Insured pursuant to section 13 of the Shipping Act (46 U.S.C. 41107–41109).

The Insurer consents to be sued directly in respect of any bona fide claim owed by Insured for damages, reparations or penalties arising from the transportation-related activities under the Shipping Act, of Insured in the event that such legal liability has not been discharged by the Insured or Insurer after a claimant has obtained a final judgment (after appeal, if any) against the Insured from a United States Federal or State Court of competent jurisdiction and has complied with the procedures for collecting on such a judgment pursuant to 46 CFR 515.23, the Federal Maritime Commission, or where all parties and claimants otherwise mutually consent, from a foreign court, or where such claimant has become entitled to payment of a specified sum by virtue of a compromise settlement agreement made with the Insured and/or Insurer pursuant to 46 CFR 515.23, whereby, upon payment of the agreed sum, the Insurer is to be fully, irrevocably and unconditionally discharged from all further liability to such claimant; provided, however, that Insurer's total obligation hereunder shall not exceed the amount per OTI set forth in 46 CFR 515.21 or the amount per group or association of OTIs set forth in 46 CFR 515.21.

The liability of the Insurer shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall aggregate the penalty of the Insurance in the amount per member OTI set forth in 46 CFR 515.21, as may be restored pursuant thereto, or the amount per group or association of OTIs set forth in 46 CFR 515.21, as may be restored pursuant thereto, regardless of the financial responsibility or lack thereof, or the solvency or bankruptcy, of Insured.

The insurance evidenced by this undertaking shall be applicable only in relation to incidents occurring on or after the effective date and before the date termination of this undertaking becomes effective. The effective date of this undertaking shall be ____ day of _____, _____, and shall continue in effect until discharged or terminated as herein provided. The Insured or the Insurer may at any time terminate the Insurance by filing a notice in writing with the Federal Maritime Commission at its office in Washington, DC. Such termination shall become effective thirty (30) days after receipt of said notice by the Commission. The Insurer shall not be liable for any transportation-related activities under the Shipping Act of the Insured after the expiration of the 30-day period but such termination shall not affect the liability of the Insured and Insurer for such activities occurring prior to the date when said termination becomes effective.

Insurer or Insured shall immediately give notice to the Federal Maritime Commission of all lawsuits filed, judgments rendered, and payments made against the insurance policy.

(Name of Agent) _____ domiciled in the United States, with offices located in the United States, at _____ is hereby designated as the Insurer's agent for service of process for the purposes of enforcing the Insurance certified to herein.

If more than one insurer joins in executing this document, that action constitutes joint and several liability on the part of the insurers.

The Insurer will immediately notify the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, DC 20573, of all claims made, lawsuits filed, judgments rendered, and payments made against the Insurance.

Signed and sealed this ____ day of _____, _____.

_____

Signature of Official signing on behalf of Insurer

_____

Type Name and Title of signer

This Insurance Form has been filed with the Federal Maritime Commission.

Appendix C to Subpart C of Part 515—Ocean Transportation Intermediary (OTI) Guaranty Form [Form 68]

Form FMC–68

Federal Maritime Commission

Guaranty in Respect of Ocean Transportation Intermediary (OTI) Liability for Damages, Reparations or Penalties Arising from Transportation-Related Activities Under the Shipping Act of 1984 (46 U.S.C. 40101–41309) (Shipping Act).

1. Whereas _____ (Name of Applicant [indicate whether NVOCC or Freight Forwarder]) (hereinafter ''Applicant'') is or may become an Ocean Transportation Intermediary (''OTI'') subject to the Shipping Act of 1984 (46 U.S.C. 40101–41309) and the rules and regulations of the Federal Maritime Commission (FMC), or is or may become a group or association of OTIs, and desires to establish its financial responsibility in accordance with section 19 of the Shipping Act (46 U.S.C. 41107–41109), then, provided that the FMC shall have accepted, as sufficient for that purpose, the Applicant's application, supported by evidence of a financial rating for the Guarantor of Class V or higher under the Financial Size Categories of A.M. Best & Company or equivalent from an acceptable international rating organization on such rating organization's letterhead or designated form, or, in the case of Guaranty provided by Underwriters at Lloyd's, documentation verifying membership in Lloyd's, or, in the case of surplus lines insurers, documentation verifying inclusion on a current ''white list'' issued by the Non-Admitted Insurers' Information Office of the National Association of Insurance Commissioners, the undersigned Guarantor certifies that it has sufficient and acceptable assets located in the United States to cover all damages arising from the transportation-related activities of the covered OTI as specified under the Shipping Act.

2. Whereas, this Guaranty is written to ensure compliance by the Applicant with section 19 of the Shipping Act (46 U.S.C. 40901–40904), and the rules and regulations of the Federal Maritime Commission relating to evidence of financial responsibility for OTIs (46 CFR Part 515), this guaranty shall be available to pay any judgment obtained or any settlement made pursuant to a claim under 46 CFR 515.23 for damages against the Applicant arising from the Applicant's transportation-related activities under the Shipping Act, or order for reparations issued pursuant to section 11 of the Shipping Act (46 U.S.C. 41301–41302, 41305–41307(a)), or any penalty assessed against the Applicant pursuant to section 13 of the Shipping Act (46 U.S.C. 41107–41109); provided, however, that the Guarantor's obligation for a group or association of OTIs shall extend only to such damages, reparations or penalties described herein as are not covered by another surety bond, insurance policy, or guaranty held by the OTI(s) against which a claim or final judgment has been brought and that Guarantor's total obligation hereunder shall not exceed the amount per OTI provided for in 46 CFR 515.21, as may be restored pursuant thereto, or the amount per group or association of OTIs provided for in 46 CFR 515.21, as may be restored pursuant thereto, in aggregate.

3. Now, Therefore, The condition of this obligation is that the penalty amount of this Guaranty shall be available to pay any judgment obtained or any settlement made pursuant to a claim under 46 CFR 515.23 for damages against the Applicant arising from the Applicant's transportation-related activities or order for reparations issued pursuant to section 11 of the Shipping Act (46 U.S.C. 41301–41302, 41305–41307(a)), or any penalty assessed against the Principal pursuant to section 13 of the Shipping Act (46 U.S.C. 41107–41109).

4. The undersigned Guarantor hereby consents to be sued directly in respect of any bona fide claim owed by Applicant for damages, reparations or penalties arising from Applicant's transportation-related activities under the Shipping Act, in the event that such legal liability has not been discharged by the Applicant after any such claimant has obtained a final judgment (after appeal, if any) against the Applicant from a United States Federal or State Court of competent jurisdiction and has complied with the procedures for collecting on such a judgment pursuant to 46 CFR 515.23, the FMC, or where all parties and claimants otherwise mutually consent, from a foreign court, or where such claimant has become entitled to payment of a specified sum by virtue of a compromise settlement agreement

made with the Applicant and/or Guarantor pursuant to 46 CFR 515.23, whereby, upon payment of the agreed sum, the Guarantor is to be fully, irrevocably and unconditionally discharged from all further liability to such claimant. In the case of a guaranty covering the liability of a group or association of OTIs, Guarantor's obligation extends only to such damages, reparations or penalties described herein as are not covered by another insurance policy, guaranty or surety bond held by the OTI(s) against which a claim or final judgment has been brought.

5. The Guarantor's liability under this Guaranty in respect to any claimant shall not exceed the amount of the guaranty; and the aggregate amount of the Guarantor's liability under this Guaranty shall not exceed the amount per OTI set forth in 46 CFR 515.21, as may be restored pursuant thereto, or the amount per group or association of OTIs set forth in 46 CFR 515.21 in aggregate, as may be restored pursuant thereto,.

6. The Guarantor's liability under this Guaranty shall attach only in respect of such activities giving rise to a cause of action against the Applicant, in respect of any of its transportation-related activities under the Shipping Act, occurring after the Guaranty has become effective, and before the expiration date of this Guaranty, which shall be the date thirty (30) days after the date of receipt by FMC of notice in writing that either Applicant or the Guarantor has elected to terminate this Guaranty. The Guarantor and/or Applicant specifically agree to file such written notice of cancellation.

7. Guarantor shall not be liable for payments of any of the damages, reparations or penalties hereinbefore described which arise as the result of any transportation-related activities of Applicant after the cancellation of the Guaranty, as herein provided, but such cancellation shall not affect the liability of the Guarantor for the payment of any such damages, reparations or penalties prior to the date such cancellation becomes effective.

8. Guarantor shall pay, subject to the limit of the amount per OTI set forth in 46 CFR 515.21, as may be restored pursuant thereto, directly to a claimant any sum or sums which Guarantor, in good faith, determines that the Applicant has failed to pay and would be held legally liable by reason of Applicant's transportation-related activities, or its legal responsibilities under the Shipping Act and the rules and regulations of the FMC, made by Applicant while this agreement is in effect, regardless of the financial responsibility or lack thereof, or the solvency or bankruptcy, of Applicant.

9. The Applicant or Guarantor will immediately notify the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, DC 20573, of all claims made, lawsuits filed, judgments rendered, and payments made under the Guaranty.

10. Applicant and Guarantor agree to handle the processing and adjudication of claims by claimants under the Guaranty established herein in the United States, unless by mutual consent of all parties and claimants another country is agreed upon. Guarantor agrees to appoint an agent for service of process in the United States.

11. This Guaranty shall be governed by the laws in the State of _____ to the extent not inconsistent with the rules and regulations of the FMC.

12. This Guaranty is effective the day of ____, _____, _____ 12:01 a.m., standard time at the address of the Guarantor as stated herein and shall continue in force until terminated as herein provided.

13. The Guarantor hereby designates as the Guarantor's legal agent for service of process domiciled in the United States _____, with offices located in the United States at _____, for the purposes of enforcing the Guaranty described herein.

_____

(Place and Date of Execution)

_____

(Type Name of Guarantor)

_____

(Type Address of Guarantor)

_____

By

_____

(Signature and Title)

Appendix D to Part 515—Ocean Transportation Intermediary (OTI) Group Bond Form [FMC–69]

Form FMC–69

Federal Maritime Commission

Ocean Transportation Intermediary (OTI) Group Supplemental Coverage Bond Form (Shipping Act of 1984 (46 U.S.C. 40101–41309)) (Shipping Act).

_____[indicate whether NVOCC or Freight Forwarder], as Principal (hereinafter ''Principal''), and _____ as Surety (hereinafter ''Surety'') are held and firmly bound unto the United States of America in the sum of $_____ for the payment of which sum we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally.

Whereas, (Principal) _____ operates as a group or association of OTIs in the waterborne foreign commerce of the United States and pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40901–40904), files this bond with the Federal Maritime Commission;

Whereas, this group bond is written to ensure compliance by the OTIs, enumerated in Appendix A of this bond, with section 19 of the Shipping Act (46 U.S.C. 40901–40904), and the rules and regulations of the Federal Maritime Commission relating to evidence of financial responsibility for OTIs (46 CFR Part 515), this group bond shall be available to pay any judgment obtained or any settlement made pursuant to a claim under 46 CFR 515.23 for damages against such OTIs arising from OTI transportation-related activities under the Shipping Act, or order for reparations issued pursuant to section 11 of the Shipping Act (46 U.S.C. 41301–41302, 41305–41307(a)), or any penalty assessed against one or more OTI members pursuant to section 13 of the Shipping Act (46 U.S.C. 41107–41109); provided, however, that the Surety's obligation for a group or association of OTIs shall extend only to such damages, reparations or penalties described herein as are not covered by another surety bond, insurance policy or guaranty held by the OTI(s) against which a claim or final judgment has been brought and that Surety's total obligation hereunder shall not exceed the amount per OTI provided for in 46 CFR 515.21 or the amount per group or association of OTIs provided for in 46 CFR 515.21 in aggregate.

Now, therefore, the conditions of this obligation are that the penalty amount of this bond, as may be restored pursuant to 46 CFR 515.21, shall be available to pay any judgment obtained or any settlement made pursuant to a claim under 46 CFR 515.23 against the OTIs enumerated in Appendix A of this bond for damages arising from any or all of the identified OTIs' transportation-related activities under the Shipping Act (46 U.S.C. 40101–41309), or order for reparations issued pursuant to section 11 of the Shipping Act (46 U.S.C. 41301–41302, 41305–41307(a)), or any penalty assessed pursuant to section 13 of the Shipping Act (46 U.S.C. 41107–41109), that are not covered by the identified OTIs' individual insurance policy(ies), guaranty(ies) or surety bond(s).

This group bond shall inure to the benefit of any and all persons who have obtained a judgment or made a settlement pursuant to a claim under 46 CFR 515.23 for damages against any or all of the OTIs identified in Appendix A not covered by said OTIs' insurance policy(ies), guaranty(ies) or surety bond(s) arising from said OTIs' transportation-related activities under the Shipping Act, or order for reparation issued pursuant to section 11 of the Shipping Act, and to the benefit of the Federal Maritime Commission for any penalty assessed against said OTIs pursuant to section 13 of the Shipping Act (46 U.S.C. 41107–41109). However, the bond shall not apply to shipments of used household goods and personal effects for the account of the Department of Defense or the account of federal civilian executive agencies shipping under the International Household Goods Program administered by the General Services Administration.

The Surety consents to be sued directly in respect of any bona fide claim owed by any or all of the OTIs identified in Appendix A for damages, reparations or penalties arising from the transportation-related activities under the Shipping Act of the OTIs in the event that such legal liability has not been discharged by the OTIs or Surety after a claimant has obtained a final judgment (after appeal, if any) against the OTIs from a United States Federal or State Court of competent jurisdiction and has complied with the procedures for collecting on such a judgment pursuant to 46 CFR 515.23, the Federal Maritime Commission, or where all parties and claimants otherwise mutually consent, from a foreign court, or where such claimant has become entitled to payment of a specified sum by virtue of a compromise settlement agreement made with the OTI(s) and/or Surety pursuant to 46 CFR 515.23, whereby, upon payment of the agreed sum, the Surety is to be fully, irrevocably and unconditionally discharged from all further liability to such claimant(s).

The liability of the Surety shall not be discharged by any payment or succession of

payments hereunder, unless and until such payment or payments shall aggregate the penalty of this bond, as may be restored pursuant to 46 CFR 515.21, and in no event shall the Surety's total obligation hereunder exceed the amount per member OTI set forth in 46 CFR § 515.21, as may be restored pursuant thereto, identified in Appendix A, or the amount per group or association of OTIs set forth in 46 CFR 515.21, as may be restored pursuant thereto, regardless of the number of OTIs, claims or claimants.

This bond is effective the ____ day of _____, _____, and shall continue in effect until discharged or terminated as herein provided. The Principal or the Surety may at any time terminate this bond by written notice to the Federal Maritime Commission at its office in Washington, DC. Such termination shall become effective thirty (30) days after receipt of said notice by the Commission. The Surety shall not be liable for any transportation-related activities of the OTIs identified in Appendix A as covered by the Principal after the expiration of the 30-day period, but such termination shall not affect the liability of the Principal and Surety for any transportation-related activities occurring prior to the date when said termination becomes effective.

The Principal or financial responsibility provider will promptly notify the underwriting Surety and the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, DC 20573, of any additions, deletions or changes to the OTIs enumerated in Appendix A. In the event of additions to Appendix A, coverage will be effective upon receipt of such notice, in writing, by the Commission at its office in Washington, DC. In the event of deletions to Appendix A, termination of coverage for such OTI(s) shall become effective 30 days after receipt of written notice by the Commission. Neither the Principal nor the Surety shall be liable for any transportation-related activities of the OTI(s) deleted from Appendix A that occur after the expiration of the 30-day period, but such termination shall not affect the liability of the Principal and Surety for any transportation-related activities of said OTI(s) occurring prior to the date when said termination becomes effective.

The underwriting Surety will immediately notify the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, DC 20573, of all claims made, lawsuits filed, judgments rendered, and payments made against this group bond.

Signed and sealed this ____ day of _____, _____,

(Please type name of signer under each signature).

_____
Individual Principal or Partner

_____
Business Address

_____
Individual Principal or Partner

_____
Business Address

_____
Individual Principal or Partner

_____
Business Address

_____
Trade Name, if Any

_____
Corporate Principal

_____
Place of Incorporation

_____
Trade Name, if Any

_____
Business Address (Affix Corporate Seal)

_____
By

_____
Title

_____
Principal's Agent for Service of Process (Required if Principal is not a U.S. Corporation)

_____
Agent's Address

_____
Corporate Surety

_____
Business Address (Affix Corporate Seal)

_____
By

_____
Title

Appendix E to Part 515—Optional Rider for Additional NVOCC Financial Responsibility (Optional Rider to Form FMC–48) [FORM 48A]

FMC–48A, OMB No. 3072–0018, (04/06/04)
Optional Rider for Additional NVOCC Financial Responsibility [Optional Rider to Form FMC–48]

RIDER

The undersigned _____, as Principal and _____, as Surety do hereby agree that the existing Bond No. _____ to the United States of America and filed with the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 is modified as follows:

1. The following condition is added to this Bond:

a. An additional condition of this Bond is that $_____ (payable in U.S. Dollars or Renminbi Yuan at the option of the Surety) shall be available to pay any fines and penalties for activities in the U.S.-China trades imposed by the Ministry of Communications of the People's Republic of China (''MOC'') or its authorized competent communications department of the people's government of the province, autonomous region or municipality directly under the Central Government or the State Administration of Industry and Commerce pursuant to the Regulations of the People's Republic of China on International Maritime Transportation and the Implementing Rules of the Regulations of the PRC on International Maritime Transportation promulgated by MOC Decree No. 1, January 20, 2003.

b. The liability of the Surety shall not be discharged by any payment or succession of payments pursuant to section 1 of this Rider, unless and until the payment or payments shall aggregate the amount set forth in section 1a of this Rider. In no event shall the Surety's obligation under this Rider exceed the amount set forth in section 1a regardless of the number of claims.

c. The total amount of coverage available under this Bond and all of its riders, available pursuant to the terms of section 1(a.) of this rider, equals $_____. The total amount of aggregate coverage equals or exceeds $125,000.

d. This Rider is effective the ____ day of _____, 20_____, and shall continue in effect until discharged, terminated as herein provided, or upon termination of the Bond in accordance with the sixth paragraph of the Bond. The Principal or the Surety may at any time terminate this Rider by written notice to the Federal Maritime Commission at its offices in Washington, DC, accompanied by proof of transmission of notice to MOC. Such termination shall become effective thirty (30) days after receipt of said notice and proof of transmission by the Federal Maritime Commission. The Surety shall not be liable for fines or penalties imposed on the Principal after the expiration of the 30-day period but such termination shall not affect the liability of the Principal and Surety for any fine or penalty imposed prior to the date when said termination becomes effective.

2. This Bond remains in full force and effect according to its terms except as modified above.

In witness whereof we have hereunto set our hands and seals on this day of _____, 20_____,

[Principal],
By:

_____

[Surety],
By:

_____

Appendix F to Part 515—Optional Rider for Additional NVOCC Financial Responsibility for Group Bonds [Optional Rider to Form FMC–69]

FMC–69A, OMB No. 3072–0018 (04/06/04)
Optional Rider for Additional NVOCC Financial Responsibility for Group Bonds [Optional Rider to Form FMC–69]

RIDER

The undersigned _____, as Principal and _____, as Surety do hereby agree that the existing Bond No. _____ to the United States of America and filed with the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 is modified as follows:

1. The following condition is added to this Bond:

a. An additional condition of this Bond is that $ _____ (payable in U.S. Dollars or Renminbi Yuan at the option of the Surety) shall be available to any NVOCC enumerated in an Appendix to this Rider to pay any fines and penalties for activities in the U.S.-China trades imposed by the Ministry of Communications of the People's Republic of China (''MOC'') or its authorized competent communications department of the people's government of the province, autonomous region or municipality directly under the Central Government or the State Administration of Industry and Commerce pursuant to the Regulations of the People's

Republic of China on International Maritime Transportation and the Implementing Rules of the Regulations of the PRC on International Maritime Transportation promulgated by MOC Decree No. 1, January 20, 2003. Such amount is separate and distinct from the bond amount set forth in the first paragraph of this Bond. Payment under this Rider shall not reduce the bond amount in the first paragraph of this Bond or affect its availability. The Surety shall indicate that $50,000 is available to pay such fines and penalties for each NVOCC listed on appendix A to this Rider wishing to exercise this option.

b. The liability of the Surety shall not be discharged by any payment or succession of payments pursuant to section 1 of this Rider, unless and until the payment or payments shall aggregate the amount set forth in section 1a of this Rider. In no event shall the Surety's obligation under this Rider exceed the amount set forth in section 1a regardless of the number of claims.

c. This Rider is effective the ____ day of _____, 20_____, and shall continue in effect until discharged, terminated as herein provided, or upon termination of the Bond in accordance with the sixth paragraph of the Bond. The Principal or the Surety may at any time terminate this Rider by written notice to the Federal Maritime Commission at its offices in Washington, D. C., accompanied by proof of transmission of notice to MOC. Such termination shall become effective thirty (30) days after receipt of said notice and proof of transmission by the Federal Maritime Commission. The Surety shall not be liable for fines or penalties imposed on the Principal after the expiration of the 30-day period but such termination shall not affect the liability of the Principal and Surety for any fine or penalty imposed prior to the date when said termination becomes effective.

2. This Bond remains in full force and effect according to its terms except as modified above.

In witness whereof we have hereunto set our hands and seals on this ____ day of _____, 20_____.

[Principal],

By: _____

_____

[Surety],

By: _____

_____

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By the Commission.

Karen V. Gregory,

Secretary.

[FR Doc. 2013–12429 Filed 5–30–13; 8:45 am]

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H.R. 360/P.L. 113–11
To award posthumously a Congressional Gold Medal to Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley to commemorate the lives they lost 50 years ago in the bombing of the Sixteenth Street Baptist Church, where these 4 little Black girls' ultimate sacrifice served as a catalyst for the Civil Rights Movement. (May 24, 2013; 127 Stat. 446)

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